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Parliamentary History.

VOL. XX.

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THE
Parliamentary History
OF
ENGLAND,
FROM
THE EARLIEST PERIOD
TO
THE YEAR
1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED
DOWNWARDS IN THE WORK ENTITLED,
“ THE PARLIAMENTARY DEBATES.”

VOL. XX.

COMPRISING THE PERIOD
FROM THE SEVENTH OF DECEMBER 1778, TO THE
TENTH OF FEBRUARY 1780.

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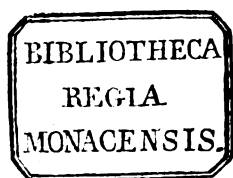


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1774. - - - - Bangor.....	John Moore.
1774. - - - - Bath and Wells	Charles Moss.
1761. - - - - Bristol	Thomas Newton.
1754. - - - - Chichester	Sir William Ashburnham, bart.
1774. - - - - Coventry and Litch- field }	Richard Hurd.
1774. - - - - St. David's	James Yorke.
1779. - - - - -	John Warren.
1771. - - - - Ely	Edmund Keene.
1778. - - - - Exeter.....	John Ross.
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1761.	- - - - - Norwich	Philip Yonge.
1777.	- - - - - Oxford.....	John Butler.
1769.	- - - - - Peterborough	John Hinchcliffe.
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1768.	- - - - - Carlisle	Edmund Law.
1776.	- - - - - Chester	Beilby Porteus,
1771	- - - - - Durham	John Egerton.

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1778. June 2. Edward, Lord Thurlow.

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1775. Nov. 10. Thomas, Viscount Wentworth, vice Lord Rochford.
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1779. Oct. 27. David, Viscount Stormont, vice Lord Suffolk.
 Nov. 24. Wells, Earl of Hillsborough, vice Lord Weymouth.

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1770. Jan. 22. Sir Fletcher Norton, knt.

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1777. June 5. Frederick, Lord North, and Chancellor of the Exchequer.
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1778. Dec. 14. Frederick, Lord North, and Chancellor of the Exchequer.
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1778. June 16. Alexander Wedderburn, esq. afterwards Lord Loughborough.

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1778. June 16. James Wallace, esq.

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1778. Charles Jenkinson, esq. In 1786 created Lord Hawksbury,
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Parliamentary History.

19 GEORGE THE THIRD, A. D. 1778.

FIFTH SESSION
OF THE
FOURTEENTH PARLIAMENT
OF
GREAT BRITAIN.

(Continued from Vol. XIX.)

DEBATE on the Marquis of Rockingham's Motion relative to the Manifesto published by the Commissioners for restoring Peace with America.] Dec. 7. The Marquis of Rockingham desired that the paper entituled, "A Manifesto and Proclamation, published at New York on the 3d of October, 1778, and signed, Carlisle, H. Clinton, and W. Eden," might be read; the clerk accordingly read it. His lordship then opened his motion, and read the objectionable passages in the Manifesto, which were meant to be included in his motion. He said, that a bare recital of the passages thus selected, was a sufficient ground for saying, that the advisers of this measure deserved the most severe reprehension. He thought it extremely necessary, that their lordships should take the earliest opportunity of testifying their disavowal of its contents. Such a declaration was now become absolutely necessary, as well for the preservation of the honour, dignity, and character of the sovereign, as to rescue the British name from that load of infamy and disgrace, it must continue to incur, should it go forth among the civilized nations of Europe, that a mode of making war, so contrary to those established among themselves, should be tolerated, much less be approved of by a British parliament. The Manifesto must fill every honest, feeling man with horror and astonishment. He read it, he con-
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fessed, with a mixture of grief and indignation. The paper carried, on the very face of it, the fullest evidence of its being totally repugnant to every principle of christianity, morality, and good policy. Whether from a misconception of the atrocious intentions of the framers of it, or by being deceived by the insidious gloss which artful men might endeavour to put upon it? what was its evident and obvious import; no less than a denunciation of vengeance against the weak, defenceless, and innocent; against rebels, as well disarmed as armed; confounding friends and foes in one undistinguished mass, and inflicting the most horrid barbarities upon them indiscriminately. But what marked this bloody measure from almost every thing which fell within the compass of his knowledge was, that no benefit whatever was proposed to be derived from it; nothing but wanton massacres, conflagrations, and unceasing desolation.

The considerations he wished to press upon their lordships were, the obvious sense of the passages objected to, and the effects they were likely to produce. Before he delivered his sentiments on the first of these, he begged leave to state a circumstance, which might shew that in respect of the construction he meant to put upon them, he was not entirely singular in his opinion, and it was this: he happened the other night, he said, to be present in an assembly of gentlemen, (House of Commons) where the very paper now under consideration, came to be the subject of conversation. Its contents gave birth to various opinions. Those who directly defended the Manifesto, were of two descriptions. One of them gravely contended, that it was no more than a public act or declaration, on the part of Great Britain, explanatory of her future intended conduct, in the prosecu-

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tion of the war against her rebellious subjects, who were no longer to expect lenity at our hands, but were to be treated as the allies of France; and consequently to be made to feel all the inconveniences and severities, which they had a right to expect, according to the usages of war, acknowledged by civilized states at enmity with each other, instead of any further fruitless endeavours to bring her to a proper sense of her duty, by a mixture of indulgence to her errors, and moderate correction. Those who held these sentiments, expressed the most marked abhorrence of the sense put on the paper in the same assembly. They declared that as no such thing was harboured in the minds of those who advised the measure, so nothing but wilful blindness, and a perversion of the common modes of speech, could wrest the words to so ill founded a construction. Another set of persons, with whom only in this instance alone he happened to agree, spoke without reserve or disguise. They acknowledged that the proclamation actually denounced vengeance and desolation, and defended it on the ground of necessity, and sound policy. He confessed, he continued for some time in a state of suspense, whether most to applaud the conduct of those, who with the most horrid intentions of blood and slaughter, endeavoured to hide their real intentions, under an appearance of adhering to the rules and usages of civilized war; or of those, who retaining the same disposition, boldly proclaimed it. Upon weighing the merits of both, he confessed the scale preponderated in favour of the latter. There was a third description, who defended the propriety of the paper; who not uniting with either of the foregoing, wished not to undertake to defend the measure; nor yet publicly disavow its contents; who affected not to consider the Manifesto as a paper of state, but merely as the ingenious literary production of Mr. Adam Ferguson. Here doubts were started both respecting the identity of the author, his style and composition, and his real intentions; but they were soon done away, for the same gentleman (governor Johnstone) acknowledged that the system of war announced, was a system of blood and desolation, and that it was perfectly justifiable.

His lordship then read several paragraphs in the Manifesto, and asked if "the extremes of war and desolation" were not expressions, that were very different from declarations of war and hostility, denounced

against enemies preparing to enter into, or actually engaged in war? After enumerating the blessings to be derived from peace, and a civil connection with this country, what does the performance say to induce the people of America to return to that connection, in the event of a refusal? "But we think it right to have them fully aware of the change, which the maintaining such a position must make in the whole nature and future conduct of this war," &c. If there was any thing in words, which could be called specific, this passage imported a change of conduct, and of the principle which was to direct it. Again, attend to the following contrast: "The policy, as well as benevolence of Great Britain, have thus far checked the extremes of war, when they tended to distress a people still considered as our fellow subjects, and to desolate a country shortly again to become a source of mutual advantage; but when that country professes the unnatural design of not only estranging, &c. the whole contest is changed, and the question is, how far Great Britain, by every means in her power, may destroy or render useless a connection contrived for her ruin, and for the aggrandizement of France?" If any doubt yet remained, it would be at once removed, by the concluding sentence: "under such circumstances, the laws of self-preservation must direct the conduct of Great Britain, and if the British colonies are to become an accession of power to France, will direct her to render that accession of as little avail as possible." Taking these several passages together, and collecting their real import, they bespoke a full intention of changing the mode of war, hitherto carried on against the colonies; accompanied with the reasons for this change, which appeared only to rest upon the ground of self-preservation, originating in a speculative opinion, that such an alliance and connection would, or might terminate in the ruin of this country. This last principle, thus maintained, would be a justification of any war, however barbarous or inhuman. It was the justification of king Herod, when he issued a rescript for the destruction of all the holy innocents in Judea, of and under two years old. The Romans were his allies. He understood by the prophecies contained in the Old Testament, that the temporal powers of the Roman empire were to cease upon the coming of the Messiah; and on the same principle of self-preservation, and the security of his

own power, he ordered all the children within his own province to be murdered.

His lordship then addressed himself to the bench of bishops, and hoped, that some of them would rise, and give an answer for the whole body, to a question he meant to propose to them. He observed, that they had hitherto supported the measures of government, adopted in respect to America, upon declarations made by ministers, that the recovery of that country was practicable. But now, says the Manifesto, a new æra in politics has arisen, the nature of the contest is changed. America is relinquished, and all the advantages of being connected with her totally abandoned. A new species of war is denounced, avowedly tending to desolation and destruction, upon motives of self-preservation, not growing out of circumstances actually existing, but upon motives of policy directed to future events. The question therefore which he wished to put to the right reverend bench, was, Was the policy of king Herod good or bad? Was it justifiable in the sight of God? Was it consonant to the dictates of their holy religion, and agreeable to the principles of its author Jesus Christ? If their lordships should reply in the negative, he hoped, as well for the sake of their own consciences, as for the credit of the religion they professed, that they would not give a public countenance to measures of blood and slaughter, when the objects for which they had hitherto supported the American war were either clearly unattainable, or actually given up. The Manifesto proved the latter, which he presumed was a sufficient evidence, that administration were perfectly satisfied of the former.

His lordship next proceeded to shew, that the measure was no less barbarous than impolitic. He described the fatal effects which must follow such a mode of making war. He observed, that our coasts, notwithstanding the force we had, would be liable to suffer by this species of predatory hostility in every quarter which was not a place of arms; that the northern part of the kingdom, and the whole of Scotland, naked and defenceless as they must remain, while we continued to be threatened with an actual invasion from the south, must lie at the mercy of our enemies; that Ireland would experience the like distresses; but above all, that our possessions in the West-Indies must not only be ruined for the present, but, he

feared, for ever rendered desolate and useless. In the course of the summer, a rumour of the French intending to make a landing in the neighbourhood of Newcastle, had created the greatest confusion. He appealed to a noble lord (earl Percy) what infinite alarm and distraction that report occasioned. The militia battalions of the north and east-riding of York were instantly dispatched upon that service; and the troops were harassed, by a forced march of 400 miles, to no manner of purpose, by that rumour; which afterwards appeared to have no other grounds but the ill-founded apprehensions of the people. What, then, would be the probable consequence, when France and America came to retaliate? When every privateer or armed vessel would have it in its power to carry fire, alarm, and in many instances desolation along our coasts? What was the consequences of the landing of a privateer's crew near Whitehaven the last year, or the plundering a certain noble lord's house (lord Selkirk) in the northern part of the kingdom. But however alarming these circumstances might be, his principal concern was for the West-India islands, because there the mischief could be perpetrated with impunity, and its effects prove decisive and perpetual. The plantations once destroyed, would be for ever destroyed; the losses and ruin would be irreparable. The truth of this was known to every person in the least conversant with the state of these islands. Even the most powerful and best defended of them, Jamaica, fully sensible of it, had never cultivated their lands on the sea-coasts, or within seven miles of it, till within the last 30 or 40 years, till the Buccaneers were banished, and ceased to infest their coasts: because the inhabitants were fully aware, that the damage of a single night could not be repaired in a century. The destruction of the canes, mills, and the general cultivation, with the loss of the negroes, would be an effectual destruction. But supposing that Jamaica was able to defend itself; what must be the fate of the other islands, unprotected and defenceless as they were notoriously known to be? When even he heard, in the same assembly already alluded to, that the only real resource the inhabitants of Jamaica had, if attacked, was to retire into the Blue Mountains, and there defend themselves at a pass, where a very small force could resist a numerous army. This was a clear confession that even that

island must feel all the miseries of this predatory war, and suffer her plantations to be destroyed, before her face, without daring to interrupt the insurgents.

His lordship, after pressing this argument, returned to consider the Manifesto. He said, it was replete with perfidy, cunning, and barbarity; that it was equally weak and wicked; that it held out protection, where the very means of protection were abandoned. It invited submission, without a possibility of security to the persons submitting; it laid a snare for those attached to the British government, which would, if accepted, terminate in their ruin; it exposed such of them as had hitherto adhered to the cause of the mother country, to the persecution and revenge of their incensed brethren, and the prevailing powers on the spot; in short, if the ruin of the loyal part of the people were actually intended, he did not know a means which could promise to do it more effectually. The Manifesto contained the fullest proofs, that all thoughts of connection between the two countries were given up; the actual situation of our army proved it. He did not pretend to speak from his own knowledge, but he believed it was generally understood, that sir H. Clinton had written home for a very considerable reinforcement, which he likewise understood could not be spared. Large detachments had been already made from his army; 4,000 men were ordered for Florida, to co-operate in an attempt invited by the mal-contented in South-Carolina; 5,000 were ordered for the defence of the West-India islands, and 2,000 for Halifax: after these deductions, the most that could be expected from the general would be, to act on the defensive. If so, the proclamation could not operate to any good purpose, though it might occasion great mischief. Such being the true state of affairs in America, he was well warranted in affirming that in the most savage times such a system of slaughter and desolation as the Manifesto threatened would not have been adopted, and contended that history did not furnish another instance since the coming of Christ, and since the mild influence inspired by his doctrines, in which the war had been conducted on such barbarous and inhuman ideas. On the contrary, it was well known, that war had been carried on upon certain principles, and under certain limitations and restrictions; that whenever it was declared, it was usual for the contending parties to

appeal to God for the justice of their cause, and to avow in the most solemn manner, that they only commenced hostilities, in order to obtain a secure and just peace. He applied this argument to the proclamation; how any man, or set of men, could expect success under such a plan, so repugnant not only to every idea of peace, but to every idea of humanity and sound policy. His lordship concluded with moving an Address similar to that moved in the Commons, by Mr. Coke on the 4th instant [See Vol. 19, p. 1388.]

The Earl of *Suffolk* said, he could not have imagined that the paper which the noble marquis had so strongly reprobated, could have ever admitted of the interpretation his lordship put upon it. He could safely answer, for himself and his colleagues, that they never meant what was imputed to them. The import of the paper was obvious: it reminded the people of America of the blessings they were about to forego, of the lenity and tenderness with which they had been hitherto treated, and pointed out the necessary conduct which must ensue, should they persist in their unnatural alliance with France. It warned them of the consequences: but of what consequences? Of being treated as declared enemies, subject to the distresses of that species only of war which all enemies are liable to undergo, and authorized by the laws of war established in civil countries. No man on earth conceived a more utter abhorrence of the principles, which were supposed to have dictated the proclamation; he could safely disavow any such intention; and he was ready to abide by the obvious sense of the proclamation itself, as the best ground of his justification. The motive of that appeal to the people of America, was purely from the principles of self-preservation, not those of personal revenge. The situation of France was much changed from what it was, at any time since the commencement of the present century. She had changed her system: and, instead of keeping on foot great standing armies, had turned her attention entirely on her marine; and now disputed the empire of the sea with us. This uniting with the circumstance of the revolt of our colonies, formed a period, totally unknown in the annals of this country. The proclamation would speak for itself: and he trusted their lordships would not be led away by a laboured appeal to their passions. He left it to their lordships' own judgment, whether there was a single

line in it that would bear the charge of Herodian cruelty and the slaughter of the innocents. France and America allied were to be considered as one enemy. The object of their connection was truly alarming, because it pointed immediately to our destruction. It was equally directed to the stripping us of our dependencies and distant possessions, to the wresting from us the empire of the ocean, and to the aggrandisement of France by our downfall. The views of France were not solely confined to objects of commerce; but to an increase of power, and extension of territory. It was, therefore, incumbent on us to do all in our power, consistent with the laws of war established between two contending powers, to render the assistance of America in the contest of as little value as those laws would permit, or, in the language of the proclamation, "to render the accession of as little avail as possible." He believed this conduct, when coolly and impartially considered, would receive the full approbation of that House. It was no common situation we stood in. We were now compelled to fight, not upon any speculative differences; we were to contend with a powerful enemy, not for matters of trifling importance, but for our existence as a nation. No line could now be drawn, which would secure us against the machinations of a powerful and dangerous enemy. Our situation was dangerous and critical; every thing dear to us was committed to the issue of the present contest; and the only means left for our salvation, was to act with unanimity and vigour. It was no longer a question, how far our conduct was or was not wise and prudent, the moment forbad any retrospect; all we ought now to turn our attention to, was to adopt such measures as were suited to our present situation. These were the grounds on which the proclamation rested; and he trusted, when the occasion which gave birth to it was considered, it would appear highly justifiable.

The Bishop of *Peterborough* (Dr. John Hinchcliffe). It would ill become me, who have so often experienced the indulgence of your lordships on other occasions, to be silent on a subject like this, when what has fallen from the noble earl calls upon me, by reprobating this Manifesto, to vindicate, as far as I am able, the credit and principle of that holy religion, for which the constitution of this country has so great a respect, as to admit the ministers of it into the dignity and confidence

of this great national council. Permit me, therefore, for once to address your lordships, not as statesmen but as Christians. The declaration before us contains matter, in my apprehension, big with mischief, and such as, should it escape the censure of this House, will, I think, fix indelible disgrace on the name of Briton. I should deem it a misapplication of your lordships time, to dispute about words; the proclamation was addressed to the people of America, and must be understood according to the plain and obvious import of the terms. The tendency of its threats is evident. I shall therefore only submit to your serious consideration a few thoughts which have occurred to me on this alarming subject. God forbid we should ever see religion so perverted from its original nature and institution, as to become the instrument of faction; that nothing is farther from my intention, will, I trust, sufficiently appear, when I beg leave to remind your lordships, that it is principally owing to the mild influence of Christianity, that every nation professing the belief of it, has as it were by common consent set bounds to the savage fierceness of revenge and cruelty. Shall we, then, be the first among the nations of Europe, to forget so very essential a part of its excellence, as the humanity and benevolence it inspires? Shall we, I say, be the first to establish desolation upon system; and to gratify an impotent resentment, deal fruitless destruction on the wives and children of an enemy we cannot conquer, and of friends we can no longer protect. There are, I fear, but too many instances, where war may become unavoidable, and numberless are the calamities ever attending it, which benevolence itself cannot prevent. There is one principle, however, without which it ceases to be justifiable, I mean that, which every civilized nation professes, in declaring war, the desire of a just and honourable peace. It was with a view to this, that under the flattering assurances of an easy victory, your lordships were led to send troops at first into America. It was afterwards, because peace and reconciliation were deemed unattainable by any other means, that a majority were induced to comply with the proposal of administration for coercive measures. But from that fatal day, in which the Petition of the Congress was rejected, peace and reconciliation seemed to be no longer in view; America concluded, she had no alternative left, but unconditional

submission or independence, she made her last appeal to Heaven. Whose scale will finally preponderate, God only knows, who holds the balance; but if Great Britain has any hope left in the justice of her cause, she does ill to defeat that hope, by means like these, to support it. Your lordships hitherto have, I doubt not, been able to satisfy your own minds in having supported this war, not only by thinking the means necessary, but the end proposed just and honourable. Read but this Manifesto with impartiality, and compare its theory with the practice of colonel Butler; and he, who wishes to keep well with himself, will find abundant reason to be very cautious how he proceeds a step farther. I did express a wish that we might never see religion made an instrument of faction; it was a sincere wish, though an imperfect one; I ought to have added, nor of barbarity. I do it now from recollecting, there is an article in the extraordinaries of the armies for the last year, recommended to be continued, for scalping-knives and crucifixes. I will conclude, by observing only, that if such is the Christianity which we are henceforth to propagate among the Indians, it is better for their teachers, better for themselves, that they should live and die in ignorance; if they are to be involved in our guilt, take not from them their plea for mercy; but let them have it still to urge at the throne of grace, that they have never heard of the name of Christ.

The Earl of *Derby* felt, he said, for the honour and reputation of this country, which had been so deeply wounded by this bloody edict, which at once authorized murder and desolation. His lordship urged the bishops to consider the Manifesto in its proper light, as an instrument of horror, as well on account of the unchristian-like principles which it avowed, as the system of treachery which it contained. He said, the ministers were totally incapable of either conducting a war, or making a peace; and in proof of the assertion, maintained, that if their own words were to be taken, they had acted with lenity and mildness, when vigorous war was the proper object of pursuit; and now, when the declining credit of the kingdom, and every thing concurred to make peace absolutely necessary, they were madly plunging the nation into a war, likely to be attended with enormous expence, and conducted on principles of unheard-of cruelty. He said, that not only a change of measures, but a change of men was become

necessary; and he appealed to their lordships, whether almost every general and every admiral, men of the most approved bravery and undoubted skill, had not returned from the service, full of disgust and complaint of their treatment. With regard to the Manifesto, it was a disgrace to Great Britain; parliament had never authorized such a measure; and it was highly incumbent on their lordships to concur with the motion, and express their immediate displeasure at its contents.

The Earl of *Abingdon*. My lords; the motion is so congenial with my own feelings, that I cannot help rising to meet it with my most hearty approbation. It has been occasioned by the savage spirit that has been found to breathe in a late proclamation of his Majesty, promulgated by the King's commissioners in America. I say, in a late proclamation of his Majesty; for every proclamation is the King's proclamation, the constitution not knowing any other power from whence it can be derived. But, I will withdraw my eyes from this horrid Manifesto, and fix them upon the authors and advisers of it. Yes, my lords, the avowed authors of it; shameless in their confessions, and therefore tenfold more wicked in their want of shame. Advisers, who, by their own infamy, have blasted the national character of this country, and by robbing it of its good name, have made it "poor indeed."

My lords, I have heard it said in this House, that the tomahawk and the scalping knife were the engines put into the hands of Englishmen by God and nature, first to torture, and then to murder our fellow subjects; and why, my lords? Because, like Englishmen of old, like our undebased forefathers, they refuse to submit to slavery; and for thinking with Roman greatness of mind, "*melius est patria mori quam vitam miseram atque inhonestam degere per servitutem*," &c. My lords, it is said, that after using every hostile attempt to the contrary, rather than America shall be free, it shall be rendered useless to itself and its connections; and this, my lords, has been proclaimed too within these walls. A proclamation so shocking, that I have since wished myself to be any thing but a peer of this House. My lords, Montaigne tells us, and it is true, that the souls of kings and coblers are cast in the same mould. What, then, is it, that creates the difference between the king and the cobbler, between this House and the lower orders

of people? It is, my lords, that urbanity, that superior civilization, that liberality of mind, which ought to animate our feelings, and from whence, as from the fountain head, flow compassion for the weakness of human nature, and forbearance of injury (though in error) from those whom chance has placed in the line of subordination to ourselves. These, my lords, are the sentiments that should direct this House: sentiments that have been so forcibly, so ably, and so pathetically recommended by that pattern of humanity, the noble marquis who moved this motion, that it leaves nothing further for me to say. One word, however, I will add in advice to those right reverend prelates, who by voting for these unchristian-like measures, are now up to their very necks in the blood of America; and it is this, "hear what has been said, go ye, and repent, not in your lawn sleeves dyed with blood, but in sackcloth and in ashes."

Such, my lords, are the contaminations that have been spread over the honour, the dignity, and the justice of this once august assembly, by those puppets in office, who are moved thereto by the string of obedience from behind the curtain—puppets to whom the key note of murder and devastation was long ago given in these words: "We have passed the Rubicon, and we must kill the Americans, or the Americans will kill us;" and from this time, to this savage music, has every instrument been tuned, which God and nature could furnish and invent, whilst the author of this fiat hugs himself up in his cunning, as secured from danger. But, my lords, cunning is a trap that is most apt to catch therein the holder of it, as a late instance has given sufficient proof of. I should not wonder, my lords (indeed I expected it) if I should see a letter, published in the newspapers, signed with the name of some noble lord (who, like the first lord of the Treasury, receives spontaneous marks of favour in proportion to the disgraces that are brought upon this country) and declaring that a certain learned lord has not seen the King for years past; nor since the year 1765 has had, directly or indirectly, any thing to do with the measures of government. Such, my lords, is the dust that has been used to blind the eyes of this deluded country, and such the dust under which others may be in hopes to hide themselves: but, thank God, there is still eyesight enough left in the nation to see and to follow those

secret, and therefore doubly atrocious, offenders, to condign and exemplary punishment. Offenders who, in revenge for our having driven the Stuart race from the throne of England, have rendered the crown of England not worth the wearing to the House of Brunswick.

My lords, having said thus much in execration of the principles that have been held in this House, and of the proclamation as founded on them, from evil, I will turn my eyes to good. Execrable as this proclamation is in some respects, there are others which it is my design to adopt; and in so doing, I shall hold myself entitled to the support of the friends and abettors of it. As their child, they must take the good and evil of it together; as my adoption, I will take the good, and leave the evil abandoned to them. In this proclamation, my lords, it is said, "We again assert that the members of the Congress were not authorised by their constitution, either to reject our offers, without the previous consideration and consent of the several assemblies and conventions of their constituents, or to refer us to pretended foreign treaties which they knew were delusively framed in the first instance, and which have never yet been ratified by the people of this continent; and we once more remind the members of the Congress, that they are responsible to their countrymen, to the world, and to God, for the continuance of this war, and for all the miseries with which it must be attended. To all the free inhabitants of this once happy empire, we also address ourselves."

My lords, the objection made here to the Congress, is the very objection I mean to make to the legislature of this country; and the same appeal that is made to the free inhabitants of that country, it is my determination to make to the collective body of the people of England. In the legislative body of this country, no hopes now remain. In the collective body, if salvation is not to be found, the constitution of England is lost. The legislative body (as it is said of the Congress) has done what it was not authorised by its constitution to do. It has assumed to itself powers to which it is not by right entitled. It has dared to aim at levying taxes without representation. It has dared to say, that it has a right to bind in all cases whatsoever; thereby making the rights of Englishmen subject to its will, and in a limited government, establishing unlimited tyranny. The hierarchy, who

used heretofore to talk of kings as the Lord's anointed, now translate allegiance from the crown to the state; and that they might become petty tyrants themselves, and remove supremacy from the king to the parliament. But this, my lords, is not the constitution. Let the king be king, and the parliament be what it is. Let the House of Lords take care of its own rights and privileges, which are intimately connected with the rights of the people; and the House of Commons, who are the temporary appointees only of the people, attend to their rights, and not presume, in conjunction with the other two branches of the legislature, to that omnipotency, which is not only a moral absurdity, but a political lie. This system therefore must be changed. Corruption, which is its principle, must be done away. Let the King reign in the hearts of his people. In a free state there is no other hold to be taken. He has, through his ministers, reigned long enough in their purses. Attachment by purchase, loses more by oppression, than it gains by expence. My lords, I beg pardon for the warmth I have expressed; but he who is not warmed in such times as these are, deserves not the name of Englishman, which once it was an honour to possess.

Earl Gower rose to defend his noble relation (lord Carlisle), from the accusation brought against him, or at least implied in the Address now moved. He could answer, that no man would be farther from recommending or enforcing measures of cruelty than the noble earl, whose name appeared at the head of the commission. He said, he had read the proclamation more than once, with all possible attention; and could not discover a single expression in it which authorised the interpretation put upon it: if there had, he would have been the first to reprobate it. It was true, the nature of the contest was changed; but it was changed no farther than to a limited, temperate, and defensible mode, such as was allowed to be justifiable by all nations in a state of hostility. Burning towns, and even desolating a country, came, under some circumstances, within that description. A minister lately deceased (lord Chatham) whose administration had been often the subject of panegyric in that House, approved of the bombarding and destroying of Havre-de-Grace, during the late war. Many other instances, of a similar nature, might be quoted, where the mere object

was to distress the enemy, and not to forward immediate operations. And as to the circumstance of the scalping knives, &c. mentioned by the right reverend prelate, he begged leave to remind their lordships, that on a former occasion, when the minister last alluded to censured that species of warfare, he proved, to the satisfaction of the House, that the noble lord himself, when in high office, gave it his sanction; and that the very orders for carrying the measure into execution, originated from his own office, when secretary of state.—He observed, that the noble lords, when they had a mind to decry the measures of government, were never at a loss for bugbears, in order to create ill-founded uneasinesses. He remembered last year, that another proclamation was the subject of much debate in that House, when arguments of a similar nature were resorted to. General Burgoyne, who issued the proclamation, was then absent, and he stood up in his defence; but the moment that the motives and objects proposed to be attained by that proclamation, came to be coolly examined and fully understood, the good sense of the people got the better of the prejudices which had been artfully instilled into them, and the clamour immediately subsided. Why, then, would noble lords expect, that they stood a better chance for succeeding now than before, when the Manifesto published by the commissioners was so much less liable to objection, than that published by the general, now alluded to?—There was besides one circumstance, which deserved particular attention; the Manifesto was valedictory, and of course called for the strongest expressions of threats and persuasion. It closed the commission, and was a public appeal to those to whom it was addressed. It contained the ultimate resolutions of Great Britain; it breathed a spirit of lenity and moderation, of goodwill and benevolence. It held out tranquillity, freedom, the advantages of commerce, and all the blessings flowing from them; endeavouring, at the same time, to impress on the minds of the people there, the risk of ruin they must run, if they obstinately persisted to continue deaf to the reasonable and parental propositions made by Great Britain. To such men, it held out a view of the dreadful consequences in which they would involve their country, by adhering to an unnatural alliance with France.—Considering therefore the Manifesto, in every possible view,

he was of opinion, that it was not only defensible under each of these heads, but was praise-worthy; for which reason, he would give his negative to the Address.

The Duke of *Richmond*, after mentioning that it was the constant practice of ministers to deny that their measures bore that obvious interpretation which reason and common sense must, of necessity, put upon them, adverted to the various parts of the Manifesto, answering the different arguments in support of it. He said, the passages alluded to were aimed at the most honest men in America; he did not therefore wonder at administration's wishing to have nothing to say to them. The noble lords had asserted, that the extremes of war and desolation, cited in those passages, did not come up to the interpretation put upon them by his noble friend, the marquis: let the noble lords consider what had been their system of war hitherto. Had they not employed the savages, and burned the towns of Norfolk and Charles Town? He did not mean to say that burning the latter might not be a necessary operation of war; perhaps it was; he only mentioned it as a part of that system which ministers now talked of as a matter which was totally foreign to their ideas. Had not also general Vaughan, when he went up the North River, burnt the town of Esopus, and alledged as a reason for it, "that it was a nest of villains," an excuse similar to that made for the murder of Glenco. He did not see the noble lord in the House, who had done such notable feats in his government of Virginia, or he should have been glad to have asked him a question or two relative to his conduct respecting the Indians and the slaves.

His grace contended that the war, from the commencement, had been carried on with every act of injustice that could tend to make the name of Englishman odious in America. A regular and full account of the barbarities exercised by his Majesty's officers, and those under them in America, had been published by order of Congress two years ago. The *Leyden Gazette* had attempted to give this account piecemeal; but after going some way in it, had desisted, the editor alleging that it stained his paper. He mentioned also the ravages and rapine of the soldiery, who, following the examples set them by the Hessians, plundered the poor inhabitants, and stole every thing they could lay their hands on; while, on the contrary, he was

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well assured general Washington's army maintained the strictest discipline, paying for whatever they had, wherever they went, and giving entire satisfaction to all around them. He said, he had lately received a letter from the Jerseys, by which he learnt we had not a single friend in those provinces; and the reason was, our army had been there, and behaved so ill, that they had created an insurmountable disgust in the minds of all ranks of people. Having dwelt for some time on these points, the duke adverted to the general conduct of ministers, and appealed to the candour of the House, whether the nation could be expected to have confidence in a set of men, guilty of such gross blunders? He said, he himself had heard sir W. Howe tell the secretary for the American department to his face, and in the hearing of a large assembly, "that it was impossible for Great Britain to be successful in America, while he had the conduct of the war." Let lords for a moment consider the extent of such a declaration; let them recollect the authority it came from; from no less a man than the late commander in chief in America, who, if any officer had been in the least degree of confidence with administration, he was the man.

His grace denied that general Burgoyne's proclamation had not been regarded as a very improper publication, and begged the noble earl (Gower) to recollect, that he had particularly reprehended it in that House. It had also been much the subject of reprehension in the other House; and he still entertained the same opinion of it which he did when he first read it. The noble earl had asked, "if we could have desolated the country round Boston, previous to the arrival of count d'Estaing's fleet, would it not have been wise to have done it?" No; it would have been very unwise; no man conversant with the art of war would have acted in that manner.

His grace said, that the proclamation was a stretch of authority in the commissioners; and added, that he did not doubt it was highly pleasing in a certain quarter, from the happy reception which one of them had met with on his first courtly visit after his return from America. At length the duke came to an enumeration of the expences of the war, mentioning the 33 millions which it had already cost, and observing that every year it continued, it was likely to cost us eight or nine millions more. He asked, how were we to

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raise the money? Was it not notorious, from the uncommon and alarming number of bankruptcies, that money was so scarce, it was hardly to be obtained at any rate? In short, did not every thing indicate a declining commerce, and a sinking credit? Having then entered into a very extensive field of argument, in which he chiefly directed his attention to the following heads: the provocations given on our part, which he contended accelerated, or entirely caused the revolt of our colonies; the successive acts of oppression, cruelty, and injustice we adopted, in order to give our measures the designed effect; the folly of trusting to the assurances of France, and the wilful perverseness of continuing to give credit to them, when almost every day's experience had afforded the most direct testimony, that she was doing all in her power secretly to foment the revolt of our subjects, and support them in their resistance to the claims of the mother country; the weak state of our navy, and defenceless state of the kingdom, when it was no longer a question, that the most vigorous exertions would be necessary to defend us against the power of that kingdom, unless we consented to relinquish our sovereignty, for ever, over America. On these, his grace was very full, pointed, and argumentative.

He observed, that the noble earl (of Suffolk) had very fairly acknowledged, that the present formed a new era in politics, so far as France and England were concerned; that the finances of France were in the train of being put upon a respectable footing: that her attention was called from her armies to her marine; that she now disputed the empire of the ocean with us; and that every thing which went to the existence of this country, as a great naval and commercial power, was committed to the issue of the present contest. He said, he had lately received an edict, published by the French king, which was a kind of financial state of the nation, and contained the fullest confirmation of what had fallen from the noble earl. His grace paid the highest compliments to the great abilities of M. Necker, at the head of the French finances, who had adopted the plan recommended by Dr. Price, in his *Treatise on Life Annuities*; which, while it pointed out the means of procuring new loans, provided for the extinction of the debt, by granting an increased interest upon annuities, determinable upon one or two lives. M. Necker availed himself, in the present

instance, of this plan; and such was the confidence in government, and the abilities of the minister, that the loan upon one or two lives was procured at 8 per cent. His grace contrasted the wisdom, integrity, and disinterested motives of M. Necker, who had brought the French finances out of disorder, weakness, and discredit, into so flourishing a condition, with that of the noble lord at the head of the finances of this country. But the reason was obvious; M. Necker was ambitious only of doing good; his consciousness that he was doing so, to him, appeared an ample reward. He discountenanced every species of improper expenditure; he suppressed all unnecessary or sinecure places. He endeavoured to inspire the nation with public spirit, and set the example himself. He refused to receive any emolument whatever for his services; and when pressed by the minister to accept of a liberal pension, as a token from his sovereign of his high opinion of his merit, he positively refused it. What, on the other hand, was the situation and conduct of the noble lord? He had got the Cinque Ports, his lady Bushy Park, his children were all amply provided for by places held in trust, or by reversion; nay, he had given such a proof of his avaricious disposition, that he had even stooped to go a hunting for the reversion of the comptroller's place in the port of London, for the lives of his two sons, at present possessed by the duke of Newcastle. Was such a man a fit person to promote reformation, or carry into execution a plan of public œconomy? How could he refuse improper applications, or reject ill-founded pretensions, when the party applying could, with so much justice, retort on him, that he was covered with places, sinecures, reversions, &c. for no other merit but that of losing America? He was the last man in the kingdom who was justified in calling any man's claim to favour or reward into question. Again, if any of the contracting tribe were to apply to his lordship, in return for their steady support through every measure proposed by him in parliament, and he should refuse to give them an exorbitant profit, might they not with great justice remind him of the first contract with Mr. Atkinson, in his closet, whom he agreed to pay a double price for rum at Jamaica, to what it was sold on the quays in London? Might they not remind him of his ignorance to judge, what was or was not a proper price, when his lordship mistook currency for

sterling? Might they not tell him, that notwithstanding this imposition, he gave Mr. Atkinson a second and a third contract; and, finally, that he continued to employ him, in hiring of transports at an advanced price, in victualling the army, &c.

His grace said, it was highly necessary, that an universal system of economy should prevail, that a reform should take place from the highest to the lowest; from his Majesty down to the meanest of his servants. That the King should set the example. His Majesty, he was satisfied, might well live within his income. He did not mean within the Civil List revenue, as it stood since the addition was made to it the last year; but as it was before. He had the authority of a great financier (Mr. Grenville) to support him in this opinion, that the Civil List, on the establishment of 1727, was more than sufficient for the support of the honour, dignity, and even splendour of the crown, if the revenue was properly managed, and faithfully expended. His grace concluded, with professing his willingness to accept of any employment he was thought capable of, either civil or military, on the plan of M. Necker, without reward or emolument. He was ready to meet the enemies of his country, wherever they were to be found; to go even to America, if it was thought necessary, not upon a fruitless, impracticable errand, to subdue, but to endeavour to bring about a friendly intercourse, and to put a stop to the unnatural purpose of Englishmen determined on the destruction of Englishmen. When he said this, he feared that any plan of union, such as formerly subsisted between both countries, was for ever at an end; but he still retained hopes, that the colonies might be so far persuaded, both from motives of affection and principles of sound policy, to change their conduct, as to desist from pursuing an object, which must terminate, if successful, in the inevitable ruin of the parent state.

Lord Lyttelton began with a compliment to the bishop of Peterborough, whose abilities, he acknowledged, were so obvious, and whose conduct was so consistent, that there did not exist a doubt, but that whatever fell from his lordship must have considerable weight. He warned the reverend prelate, however, and every lord who had spoken on the same side, from casting any obloquy on those of the reverend bench who had voted in favour of the measures proposed to parliament by mi-

nistry. It was unfair, illiberal, and unwarrantable to say that the reverend bench had voted with government from a hope to increase blood and massacre. The very opposite had been the desire. They saw the war was not only just but necessary; that it was a war founded upon the truest principles of Christianity, a wish to put an end to party animosities, and to establish an honourable and lasting peace.

It had been said that America was lost for ever—he differed widely from that idea. He was not sanguine in his expectations on that head, but he still believed that America might be brought back to her allegiance; that America might be induced to throw off the yoke of France, and to do herself the kindness of enjoying the freedom and happiness which the mild constitution of this country was alone capable of giving her. He was aware that there were inveterate spirits in America, malignant members of the Congress, whose views of interest and power made them industrious to delude the public, and instil prejudices against this country, and in favour of the alliance with France, into the minds of the inhabitants of the several provinces. But let noble lords consider for a moment how unnatural that alliance was—men who were fighting for republicanism, joining with the slaves of an arbitrary monarch, presbyterians going hand in hand with Papists; America, at least those Americans who found it advantageous to widen her breach with England, might affect to be blind to the impolicy of such a junction for the present; but it was impossible in the nature of things that they should long continue in that state, the eyes of the whole continent must soon be open to the monstrous folly of their alliance. At present he was sure there were numbers in America who wished most heartily for an opportunity of avowing their sentiments of loyalty; it therefore behoved government to do every thing in their power to enable their friends across the Atlantic to speak their minds, and acknowledge the first wish of their hearts—an opportunity of expressing their loyalty to their rightful sovereign. The moment they could do it with safety, he had no doubt but the majority of the people of the continent would join the royal standard.

With regard to the proclamation, he said, he could not restrain his amazement at the forced construction which had been put upon it. It was, in his mind, one of

the most temperate, judicious, and forcible appeals to reason and common sense, that he had ever read. It did not in the most distant degree warrant the cruel import, which had been put upon it. Let any man in his right wits read the passages objected to, and it was impossible for him to construe them otherwise than as the noble earl, high in office, had done. The noble lords on the other side had talked much of the severity of the conduct of the war intended to be pursued; even if that were to be the case (a position which however he would not agree that the proclamation warranted) when ought a nation to exert itself to punish more severely, than when rebellion and black ingratitude formed a league with perfidy and falsehood? America, the child of Great Britain, entered into an alliance with France; the old, and notwithstanding appearances, the determined foe of both Great Britain and America. A league for what purpose? Not for the advantage of her commerce, nor for the support of her trade, but with the hellish view of stabbing the political existence of the mother country? America willingly became the dagger of France, and lent herself to be the instrument of the assassination of her parent! Would noble lords, then, hesitate a moment whether they should strengthen the hands of government against such an alliance? On the contrary, must they not see that this was a crisis of the utmost danger, a crisis which demanded the most vigorous efforts of this country, whose very existence was at stake?

Noble lords had laid much stress on the cruel conduct of the war since its commencement. The assertion was true, but it was erroneously applied. America had been cruel, America had been inhuman, but not Great Britain! Who burnt the town of Norfolk? Who treated prisoners in the most merciless, the most savage manner? America had set the example of cruelty, and if it were followed, she had to thank herself for the consequences. What might appear to be humanity with respect to America, would turn out most blameable weakness respecting Great Britain. Some lords had talked of the danger of France retaliating: let their lordships recollect, that retaliation was the universal custom of war; that we, last war, when the great lord Chatham had the direction of affairs, pursued the very line of conduct which those lords had now so severely reprehended. Lord Chatham had planned

the expeditions against Havre de Grace, and against Rochfort. Lord Chatham ravaged the coasts of France, and desolated such of her sea-ports, as it was thought expedient to send our arms against. And what did France? Did she burn our sea-ports? No;—the reason was obvious, our navy protected us; France dared not approach our coasts. It was idle, therefore, to talk of retaliation, when it must appear, to the conviction of every man of common sense, that in a war with France, it was the duty of the ministers of Great Britain to do all in their power to distress the enemy, because it did not require a moment's consideration to discover that the enemy would do all in her power to distress us.

His lordship observed, that some of the noble speakers had urged the policy of our withdrawing our fleets and armies, and of acknowledging the independence of America. Did the noble lords who maintained this doctrine consider the consequence? Give up America? What would this country give up then? Not America alone, but Florida! Nova Scotia! the West-Indies! the fisheries! Newfoundland! In short, all our possessions, excepting only the two islands of Great Britain and Ireland; and where, then, would be our revenue? Where would be our national credit, our national finances? The custom-house and excise-office would be useless; for our trade and our imports would no longer exist. Having dwelt on this theme, he returned to the Manifesto, and the propositions made to America by his Majesty's commissioners. He defended the latter as proper to be offered, but called the attention of lords to the limits and restrictions under which they were propounded. They must come back to parliament for ratification; he, for one, was glad they were rejected, because, he was free to say, he did not think he should have approved of them. He maintained that it was sound policy, if America was still so headstrong, and so unhappy, as to be driven into the arms of France, by the wicked machinations of the demagogues, who at present held her in subjection, for Great Britain to dismantle her fortresses, spoil her harbours, curtail and destroy her resources, and render her of as little military use to the determined foe of both countries as possible.

The Duke of *Grafton* began with mentioning his ill state of health, and his wish to be at home; but declared, he could not look his children in the face if on such an

occasion he had neglected his parliamentary duty: he added, that what he had heard fall, from the noble lords in office especially, made him the more anxious to discharge his conscience, by troubling their lordships with his opinion, relative to the present motion. His grace then entered upon an investigation of the arguments used by the last noble speaker, whom he called the Drawcansir of administration, ready to undertake its defence at all times, even when they were ashamed to attempt it themselves; and asked if it were wise in ministers to instill such doctrines as the noble lord had mentioned? The noble lord had justified pursuing that system, which had caused all the calamities with which this unhappy nation was afflicted. Were not the miseries which America and Great Britain groaned under sufficient, but must lords in office triumph in the sufferings of the two countries, and boast of their success, in having been able to inflict them, calling upon the House for their support, when they avowed their intention of going on with the same system of folly, impolicy, and oppression? Did not daily experience prove the declining state of our finances, and yet would ministers run the nation into still greater expence, without the smallest hopes of success. What had the noble lord who spoke last for them said, but that we were deserted by every foreign power, and therefore it was the fit hour for going to war with France and America? Was this short of a declaration, that Great Britain, with her parliament at her back, was able to contend with the whole world? His grace strongly condemned the conduct of the ministry; said they kept their places merely by the influence of corruption, and that their conduct was not founded on a single principle of policy or integrity.—He said, that the last concurrent great cause of all our misfortunes, was our not having timely notice of the treaty entered into with France by the Congress delegates. As a person once in high office, he knew how critical a situation an ambassador stood in, when questioned upon any points relative to his embassy. But as the effect of the matter he desired to be informed of was long since over, he thought he might particularly apply himself to the noble viscount in the green ribbon (lord Stormont) who was ambassador at Paris when the treaty was concluded. He would beg leave to remind the House, and inform the noble

viscount who was then absent, that having heard that such a treaty had been signed at Paris on the 6th of February, he, early in March following, in his place in that House, applied to the noble viscount (Weymouth) to know, whether he had any intimation of any such treaty having been entered into; or any official communication of it from the British ambassador at the court of France? The answer given by the noble viscount in high office, was, that he knew nothing of any such treaty, but what he had learned from report; and that he heard such a fact had been mentioned by an hon. member (Mr. Fox) in the other House; and that the first commissioner of the Treasury, to whom the question had been put, returned the same answer, that he knew nothing of the matter. His grace said, he thought proper to give this explanation, lest the noble viscount in the green ribbon might imagine he took up the affair in a captious manner, and dragged it wantonly into debate. He therefore wished to have the affair explained; because it was plain, that either the noble viscount in high office concealed what he should have communicated to that House, or that the noble viscount, then our ambassador at the court of Versailles, was deficient in his duty, and had neglected the objects of his embassy, which were solely to penetrate into the designs of France, and to communicate whatever deserved particular attention, and by the most quick conveyance, to the King's ministers here. His grace sat down with testifying his perfect approbation of the Address.

Lord Stormont apologised to the House, and wished for their indulgence, as he had not been accustomed to speak in public. He said, nothing but the direct application made to him by the noble duke, should have induced him to rise. The noble duke, from his high situation when in office, must recollect the duty an ambassador owed to his sovereign in that capacity, as well as the nation whence he was sent, which was that of observing the most inviolable secrecy relative to every matter respecting his embassy. Under that obligation, he should ever deem himself precluded from communicating any thing which came to his knowledge in his ministerial character. He had no doubt but the fact was fairly and correctly stated by the noble duke; and as the transaction referred to was, in point of disclosure, entirely open, and of course a clear exception to the esta-

blished rules of inviolable secrecy ; and, as it implied a possible degree of censure on his conduct, he should satisfy the noble duke on the subject, as far as he was personally concerned. The question put by the noble duke, was, Whether he had an early notice of the treaty entered into by France and the Congress delegates ? and whether he communicated his knowledge to the noble viscount in office in a convenient time ? He hoped he had not been so neglectful of his duty, as to be ignorant that a negociation, leading to such a treaty, was on foot ; and, when finished, that he had not the earliest intelligence of the treaty being concluded. To the second question, he could answer with equal truth ; that as he was industrious in discovering, so he was punctual in communicating what he had learned ; and had embraced the first moment which presented itself, to acquaint the noble viscount in office of the fact. The noble lords on the other side, who, by what he could learn, had had such early and authentic accounts of the temper and disposition of the French court, and of its ultimate views and intentions, perhaps already knew what he was going to mention. To them it might appear no novelty. He would put a question to them in turn : Had they heard of any other treaty but that signed on the 6th of February ? which he was free to say, was only calculated to impose on the people of America, and all the powers of Europe ; as having nothing in view but advantages of a commercial intercourse, with the independent states of America, as they were pleased to deem them ; while the real designs of both America and France were concealed by that treaty. If their lordships were ignorant of that circumstance, he would assure them, that there was another treaty ; they must have indeed caught at the shadow and let slip the substance ; a treaty far different from that which had been published. He saw a copy of it, in which there was this remarkable expression, which denoted the complexion of the whole ; “ that the wings of Great Britain must be clipped, lest she should soar too high ;” nay, further, that some of the articles of this secret treaty went not only to the independence of the colonies in arms, but to the dismemberment of the British empire, and to the parcelling out and partitioning its insular and other American possessions among the contracting parties, part to France, and part to America.—After this,

he presumed, no noble lord could hesitate about the option we ought to take, whether to submit to the terms France and the independent states should prescribe, which he was ready to prove would render us a petty state of the second class, of no importance, and disgraced in the eyes of all surrounding nations, or bravely contend for the recovery of our former rank, by a bold and vigorous struggle ; and when every other bulwark was taken away, defend ourselves within this island, and not suffer our power to outlive our fame, consequence, and honour. He was persuaded there was no other mode of securing a national existence worth wishing for. France and America, he feared, were indissolubly leagued for our destruction. If he had no other proof, the language of M. Gerard to the Congress was enough, where, among several other expressions of the same tendency, he points out the necessity of prosecuting the war, against the “ common enemy,” which is not a Gallicism of doubtful import, when rendered into English ; for he wrote it, or spoke it, in that language, which plainly proved what was meant by that expression, according to its current and obvious meaning ; and he had not the least doubt, that the expression would be found to mean that and no other, in the future progress of this business. He said, he had delivered his sentiments freely, and was resolved to square his conduct accordingly. He was not in the way when any of the great questions relative to America were agitated in that House. He was therefore listed in no party, nor bound up by any previous vote or opinion. He was consequently in every sense a free man. He neither gave his voice for the Stamp Act, the repeal, or any subsequent measure, arising from the good or improper policy of either, but as well from what he knew, as from what his knowledge led him to conjecture, he saw no other conduct for Britain to adopt, be the consequences what they might, but to contend to the last, and risk all, sooner than fall into that state of insignificance which her foreign and domestic enemies were determined, as far as in their power, to reduce her to.

The Duke of Grafton said, his question to the noble viscount had turned out just as he expected. His lordship had acquitted himself in the fullest manner, of the least neglect, or failure of duty ; and had proved what he all along suspected, that ministers alone were to blame. He wish-

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ed that some one of them would rise and inform the House, why a communication of such singular importance was withheld; particularly when a question, framed on purpose to draw forth such a communication, had been put several days previous to the delivery of the French rescript; and while yet the American Bills were passing through that House?

Lord *Weymouth* recollected what had passed between him and the noble duke. He believed it was on the 5th of March last,* and were he now questioned in the same manner, he should, he believed, return the same answer; for though the noble viscount did send him an account of the treaty being signed in the manner related by him, he must confess, it did not bring home conviction to his mind that the fact was so; and without such previous conviction, or a certain knowledge of the fact, he could not, consistent with his own judgment, say in answer to the noble duke's question, that he knew of any such treaty.

The Earl of *Shelburne* said, whatever respect and esteem he entertained for the noble viscount as an individual, with whose personal acquaintance he was honoured; as a peer of parliament, he could not avoid testifying his strongest disapprobation of his conduct. The time was approaching in which enquiries would become necessary; and, he trusted, that the noble viscount in the blue ribbon, when this very extraordinary transaction came to be enquired into, would be obliged to disclose his real motives for acting as he did. He had too high an opinion of the abilities of the noble viscount, to suppose that this was the only reason he had for doubting the communication: for what could such a mode of reasoning amount to; but, that after putting the nation to an immense expence in supporting ambassadors at the different courts of Europe, their dispatches were to be considered as no more than so much waste paper, unless they had the good fortune to operate to the conviction of the secretary of state, to whom such communication shall be made? The noble viscount, in the green ribbon, had in the most open and fair manner shewn, that he discharged his duty, and that ministers had neglected to profit by his information. The defence of the noble viscount high in office, was indeed novel; it was of the first impression; he should forbear now to

comment upon it; but, as he really and truly respected the noble viscount, if when the matter should come to be enquired into, he should not be able to defend himself upon better grounds; he had only to observe, that he sincerely lamented his fate.

He proceeded to distinguish between an wholesome and wanton severity; a severity which tends to put a stop to the effusion of human blood, not to spill it merely upon a principle of revenge or blind resentment. He instanced the storming of Drogheda in Ireland, by Cromwell; and supported in general (though aware, he said, of its being an unpopular opinion) the necessity in some instances of temporary acts of severity, in order to prevent greater mischiefs in future. After the detail of Cromwell's cruelty, he pointedly observed, that Cromwell destroyed a single town in order to gain a whole kingdom, and by that one act of severity at the commencement of an alarming rebellion, gave an example which contributed greatly to the conquest which afterwards followed; whereas, the present ministers in their valedictory publication declared, they meant to ravage, lay waste, and desolate a whole continent almost; without even the prospect of being able to gain a single town. He applied this general reasoning to the contents of the proclamation, which were too explicit to require any arguments to demonstrate their obvious meaning. The Manifesto plainly imported two things equally evident; destruction and desolation, and a direct intention of abandoning all thoughts of our re-uniting America with Great Britain; therefore "the extremities of war," and the other denunciations, were not severities directed to reclaim the persons on whom they were to be inflicted; but merely the ravages incident to that species of hostility which rests on mischief as its principle, and looks to no other object but rapine, plunder, and wanton desolation. After dwelling upon these particulars, he said that he still retained his opinion, that America severed from Great Britain, the mother country could not exist as an independent state; its splendor and glories would be no more, and she would be but a power of the second order in Europe.

His lordship then proceeded to mention several circumstances relative to the dissatisfaction of the naval and military commanders; and repeated his former opinions, respecting the necessity there was

* See Vol. 19, p. 834.

for trying every means, before we entirely relinquished all thoughts of America. He was now convinced, that ministers were blameable, and the period was not far distant, when they would be made answerable for their wickedness and incapacity. All the persons employed under them, of every party and description, united in one general cry of complaint, and reprobated the plans of government, and the support and means afforded of carrying them into execution. Generals had complained; admirals had complained; and now, for the first time, ambassadors had complained; the most favoured, the most confidential, the most zealous, had severally flown in the face of their patrons and benefactors; not even ribbons, pensions, nor the most lucrative commands, were sufficient to still the voice of truth, or blunt the honest feelings of conscience. When a great commander in chief, (sir W. Howe) dare openly tell a minister to his face in the other House (lord Germain) that the war could not succeed while he remained in office and had the direction of it; when another general officer (Burgoyne) daily continues to charge the same minister with giving orders that were utterly impracticable, and of treachery, misrepresentation, and the betraying private correspondence, and withholding what immediately concerned the public; nothing surely but repeated disgraces and national ruin, can be expected, while such men are permitted to continue at the helm of state. Where is the officer mad or stupid enough to trust himself to such men, or hazard his honour, reputation, and perhaps his life, to the counsels of such men?

A noble earl in high office (lord Gower) had treated the Manifesto as a matter of course, a mere office paper, in one point of view; in another he attempted to extol it to the skies, as a writing replete with wisdom, moderation, humanity, and the most consummate policy. But, finally, he impliedly confessed, that it imported nothing: it is, said the noble earl, merely a valedictory paper. Good God! did his lordship take time to reflect what the nature of the valediction was? A farewell to America; a farewell to the most important part of the British crown, these islands excepted; a farewell to her power, and to her renown as a mighty empire. His opinion on the subject had never changed since first brought into discussion. If America was lost to this country, he did not think Great Britain could exist, which

he would follow by another position, That there was not any other way of reconciling America with Great Britain, but by carrying the spirit of the English constitution as it originally stood, into America, and establishing a system of government there, under which the civil and religious freedom, commercial advantage, political rights of the subject, and the prosperity of the whole empire, should be equally the objects of attention. As to the conditions of union offered by the commissioners, he was at a loss to determine, whether they proceeded from the basest treachery, to those to whom they were addressed, or whether they were what they would be, if sincerely offered, a scandalous betraying of the rights and interests of Great Britain. He entered into a defence of Congress, whom he observed it was in some degree fashionable to load with every opprobrious epithet. In his opinion they had given abundant proofs of their wisdom and penetration. They received the propositions offered them by the King's commissioners, with caution and distrust; they discovered them to be insidious, and therefore they rejected them; had he been himself a member of Congress, he should have resisted, not their propositions, but the arts which accompanied them, with indignation and contempt. What had fallen from a noble lord in high office, (lord Suffolk) had confirmed him in the opinion he entertained of the discernment and good sense of that body: for his lordship declared, he doubted whether he should have approved of the propositions, if Congress had accepted of them. This, if no other reason existed, was enough to convince him, that the offers originated in deception, and were only made with a view to detach America from her alliance with France; and having thus stripped her of all support, then only to grant her what terms we thought proper, or rather to dictate terms to them at our own discretion.

His lordship addressed himself particularly to the bishops, and urged them strongly to interfere, and by voting for the motion, to shew their abhorrence of an instrument, the professed purpose of which was to spread horror and devastation throughout the American continent. He said he had the highest respect and veneration for the bench in general, that he was obliged to several of them for their writings; that they not only confirmed him in his Christian faith, and strength-

and his constitutional principles, but smoothed the rubs of life, and softened the severity of those misfortunes with which he had been occasionally afflicted. More he declared depended on the interference of the reverend bench than they might possibly conceive; by so timely an interposition, they might perhaps stop the further effusion of Christian blood, and prove the saviours of their country. In order to strengthen his address to them, he recalled to their memory the conduct of the bench, whenever any thing like revenge was the object of parliamentary consideration; he bid them recollect that though the Protestant bishops owed their preservation to William 3, that in 1695, when the two Houses had formed an association, which was meant to be followed in all parts of the kingdom, in order to express their detestation of the horrid Assassination Plot against the king, which had then been only just discovered, the paper was found to contain the word "revenge," which had by some means or other crept into it; that though the bishops were bound in gratitude to give every proof of their attachment to the person of the king, they had thought it a sufficient ground, to dissent from the association, alleging as a reason, that it ill became them as ministers of the Christian religion to countenance measures founded upon so irreligious a principle as revenge.* If the argument for the bench's dissenting then was thought a strong one, how much stronger did the present Manifesto furnish! He therefore repeated his earnest exhortation to the reverend bench, to gain credit to their order, serve the King essentially, and root themselves in the hearts of the people, by supporting the motion, and discharging their consciences by strongly avowing their disapprobation of so very exceptionable a publication. By such an act, the bench would do themselves, as well as Great Britain and America, essential service; they might obtain a new lease by it, perhaps for 100 years more, and stand with all the world in that high degree of esteem and veneration, which should ever be the attributes of Christian prelates. He added, that it was highly necessary they should, by some act of a public nature, convince the world of the proper attention to the duties of their function; he bid them recollect the various differences relative to religion which

prevailed, and the various publications the press teemed with on the subject. In particular, he pointed out a syllabus for a course of lectures on non-conformity, which had been distributed in a place no less public than Cambridge, and that too by an author of solid learning and serious discussion.

He next went into a general argument upon the necessary and only means of effecting conquest. There were, he said, but two modes which could possibly produce the desirable end of the present war with America, and those were, the force of arms, or the power of terror. Were we capable of effectually exercising the former, or could we draw advantage from the latter? Let us look back a little to the conduct of the war, and we should see that we had tried both without success. Had we not attempted to take Charles-town and failed? What were the murders committed by the Indians? What good had the proclamation of general Burgoyne done to our cause? In fact, had we not for four campaigns been trying to terrify and subdue, and were we not now as distant from the point of our endeavours as at the beginning of the war? This nation had never before been stigmatized with the epithet of cruel; in the last rebellion, indeed, stories were propagated against a great commander, who was the principal instrument in suppressing it, but those stories had since turned out to be the mere inventions of faction. The late duke of Cumberland was unquestionably a great character; as brave, as generous, and as humane a prince as ever lived. Having mentioned the last rebellion, he said he had good reason to believe, that the appellation of rebel was not so much as once applied to any of the Scotch criminals, who were tried on that occasion; at least he must do justice to the solicitor general of that day; he certainly did not apply it. For he had lately seen a paper, which, in his opinion, did him the highest honour; he meant the Solicitor General's (Mr. Wedderburn) defence against some charges which he found it necessary to answer before the cabinet council; and amongst others, this very circumstance, which, instead of denying, evading, or palliating, he justified; alleging, "that he had the honour to serve a benign prince, and prosecuted on the behalf of a great and merciful people," for we were then a merciful people, added his lordship. He said further, that he admired particularly the conclu-

* See Vol. 5, p. 992.

sion of the solicitor's defence, which was in these words, "that to obtain lord Coke's fortune, he would not have used the expressions which lord Coke had used against sir Walter Raleigh." The event proved, that the solicitor judged soundly in this conduct. He paid the most effectual court both to prince and people, by the generosity of such sentiments; and he was well persuaded that the profession of them was one amongst the other foundations of his subsequent fortune. He should feel wanting to humanity, if he did not almost drop a tear upon reflecting that the same generous sentiments, as well as the same great talents, had not passed from the solicitor general to the chief justice, and prevented the same improper appellation from being extra-judicially brought forwards against the Americans; which method of prejudgment, supported as unfortunately it had been, must, in the opinion of every impartial person, be considered as a very capital cause of our present calamities. Were lord Coke alive, who did not carry the same sentiments from the bar to the bench, his lordship said, he was satisfied that, instead of stating the inverse of his own conduct, he would now join with the public in lamenting the frailty of men of his own order.

His lordship took notice of the general ill-treatment which the members of both Houses, who did not concur in the measures of administration, received from ministers, declaring, that they were not only denied on all occasions the necessary information, but that they were treated with contempt if ever they meant to investigate any matter touching the conduct of men in office. This led his lordship to take notice of the first lord of the Treasury's having lately told a gentleman of the other House, that he was but a fly upon the wheel of his chariot; a chariot the wheels of which had long been driven over our domestic freedom, and which were intended to have trampled on the freedom of America, had not Providence interfered, and rendered that country an instrument of vengeance on those very men whose design it was to enslave her. He declared he did not know the gentleman who had received the insult from the minister, nor was he acquainted with the proposition which he was arguing at the time. He knew, however, that every gentleman who, from motives of conscience, or regard to the interest of his country, thought proper to question either the integrity or the con-

duct of ministers, undertook a very heavy and up-hill work; that it was generally very difficult to fix a charge; but that there was at this time such glaring proof of the incapacity and criminality of ministers, that it was highly necessary for all ranks of people to unite and insist on a public enquiry; in consequence of which measure alone, the authors of the fatal mischiefs which had already taken place, and of those evil consequences which still threatened this devoted country might be brought to condign punishment. He was very ready to join with the gentleman called the fly upon the minister's chariot wheel, or with any man or set of men, upon that ground; and he declared he asserted this not with any factious view, not from any impulse of personal pique, but because he was convinced, that not only an alteration, both of men and measures, was highly necessary, but that a proper example ought to be made of those who had so scandalously mismanaged public affairs for some years past.

Lord Chancellor *Thurlow* began with a general observation on the conduct of the noble lords who spoke in favour of the motion. He contended, that every one of them had deviated from the question, and had indulged in a latitude of debate very unusual, he believed, in that House; at least very unbecoming the gravity and dignity of their lordships' proceedings. The noble earl who spoke last had laboured, with his usual ingenuity, to throw a kind of ridicule on the word 'valedictory,' used by a noble earl, and to infer, from its obvious and current meaning, that because the commissioners published the manifesto, and the noble lord had used the word, that the intention of both the publication and the comment was, a resolution to abandon America. This was a most extraordinary comment and conclusion. It was evident, that the word imported no more than a farewell to America, so far as they bore relation to it, in the capacity of commissioners. The object of their commission was peace and conciliation; they offered such terms as they thought would be most likely to obtain that object: and, as the last act of their commissarial power, they properly made use of every species of argument and persuasion. They reminded the people of America what they were about to lose in the event of a refusal, of what they would probably suffer in the same event. They held out the blessings of peace, the advantages of

commerce and protection; and they described, by way of contrast, the horrors of war and desolation. This was the plain, obvious sense of the Manifesto, as well as of the word 'valedictory.' It was a valedictory address, as personally proceeding from the commissioners. It was the last act of state they proposed to exercise; but in what manner it could be construed the farewell of Great Britain, was more than he could discover, with his utmost industry. But supposing that the paper bore such an appearance as was imputed to it; did not the other circumstances which accompanied it, fairly bear the construction he now put on it? Were not our fleets and armies actually engaged in hostile operations? Were not part of those fleets and armies composed of loyal Americans? Were not we in possession of some of the most valuable and important places within the dominion of what was called the Thirteen United States? Surely, then, it could never be consonant to common sense or common experience to suppose, that we were preparing to relinquish and bid an eternal adieu to America, while numbers of its inhabitants were in arms in support of the rights of the mother country; or had doomed the colonies to destruction, when such a resolution must involve the lives, properties, and possessions of our friends, as well as our enemies, in one common destruction. Such an idea was preposterous, and could only have originated in a predetermined resolution to cast an unjust censure upon administration. Even granting that the Manifesto was in every sense valedictory, it could not be looked upon as binding upon his Majesty's servants, till their lordships were first satisfied, that the commissioners were authorised to make such a declaration. So that, taking it in either light, ministers could not be made answerable for the paper in question; nor was it decent to argue upon the interpretation, though it was the true one, till the House had evidence to shew, that the commissioners acted upon particular instructions, in the case before the House.

His lordship proceeded to remark upon what fell from the bishop of Peterborough. He said, the right reverend prelate had charged the publication in question with what could not be supported by truth or common sense. His lordship took for granted, what did not exist; and applied the pretended ground of censure, to the conduct of those who were not answerable,

though the reasoning had been just. He spoke of "fruitless desolation," an expression in itself which carried no meaning, and was neither sense nor grammar. It was not supported by any figure of speech, by logic, or current mode of expression, he ever heard or was acquainted with. Fruitless desolation, was, in his opinion, rank nonsense. He never heard before of desolation that was fruitful; to state a negative, therefore, to what was not in nature to be found, was such a species of oratory, and so incongruous a metaphor, as supported his first assertion, that the words were equally incongruous and nonsensical.

His lordship adverted to what fell from the duke of Grafton, relative to ministers carrying on their measures by the means of corruption. It was a general charge, and therefore well calculated for the temporary purposes of debate; because it called for no proof, and was equally applicable to the whole of administration, or to none of them. No man could take it as particularly aimed at his own conduct; consequently, it answered the purpose of a general defamation for the present, which he was satisfied was all that was intended; yet he could not help thinking, that those indiscriminate, ill-founded charges, had an effect very different from what was expected, by those who made them; as the impartial part of the nation would with reason conclude, that those men were innocent against whom nothing but general charges could be urged. His lordship made some observations on what fell from another noble duke (of Richmond), who said, "that the objectionable passages stated in the motion, were addressed to the honest people in America, to whom administration had nothing to say, for that very reason." This he doubted not the noble lord thought a very fine and pointed allusion to the general supposed delinquency of ministers. It imported an honest indignation, was ornamental, and served the turn; and as a debate generally lived a single day, would with some persons carry its intended effect.

His lordship returned to what had fallen from the last noble speaker, particularly his expression, that he thought "this country could not exist without America." This, he said, was a most extraordinary proposition. It was not supported by any principle of sound policy or past experience; and if true, he thought it extremely unbecoming a patriot; because it

was trumpeting forth to the world that we had bid a farewell to America, and that having done so, this country could no longer exist. He was equally at a loss to understand another expression of the noble lord's; it was that of stating the absolute necessity there was of carrying the English constitution to America. Did the noble lord mean that it was necessary to transfer the sovereignty to America, and so to have two sovereignties, one here and the other in America? If he did not, he was totally unable to put any rational interpretation on the words of the noble lord.

His lordship next turned his immediate attention to the Manifesto, which he justified in all its parts, and entered into a disquisition of the grammatical and legal import of the objectionable passages; and after endeavouring to shew, that the mode of construction adopted by the noble marquis, was either apparently erroneous, or unnaturally strained, affirmed, that all that the commissioners had to do, was to bid a farewell to America, in such a manner, as to impress upon the minds of the people there, the certain advantages which would arise from a constitutional connection with this country, and the very great risks of every kind, hostile and political, which would follow a refusal. It was therefore every way wise and judicious in them, to paint those in contrast in the strongest colours; they had before appealed solely to the reason and good sense of America; it was at length become necessary, to endeavour to influence those by their fears, who were not to be wrought upon by the nobler principles of affection, obedience, generosity, or gratitude.

The Bishop of *Peterborough* denied that the words made use of by him were "fruitless desolation," but "fruitless evils." Yet, he maintained, that the words "fruitless desolation," were strictly grammatical, and contained a metaphor perfectly applicable to the idea which it was meant to convey. For a desolation from which no good consequence was even promised or expected, might be well termed a fruitless desolation.

The Earl of *Shelburne* said, the learned lord had emphatically asked if he wished to recommend the establishment of two sovereignties, one in Great Britain and the other in America? By no means. He had often fully and definitely expressed his opinion on the subject in that House; and could only attribute the learned lord's

ignorance of his sentiments, to his not being at that time a member. What fell from him the present evening, was no more than a general confirmation of what he had so repeatedly declared, upon former occasions. He thought it therefore needless to explain himself in detail, but for the particular information of the learned lord, he would tell him what he meant by carrying the English constitution to America, and establishing it there, was the recovering the dependency of that country upon this. Not a corrupt or slavish dependency, calculated to enlarge the influence of the crown, already grown much too formidable for the honest purposes of a limited government, or procuring for ministers new sources of corruption, for dividing the prince and people from each other, and separating their interests, which can never be wisely or safely done, so long as even the forms of the constitution remain; but a fair, honest, wise, and honourable connection, in which the constitutional prerogatives of the crown, the claims of parliament, and the liberties, properties, and lives of all the subjects of the British empire, would be equally secured. Such an union, and no other than this, he would ever endeavour to bring about. Such an union he would ever contend for; and without such an union, he was of opinion, that this country could never exist, as an independent state, in respect of the other powers of Europe, nor as a free one, in respect of its own internal polity. Deprived of America, we must sink into a petty state, when compared to some of the great powers on the continent. Holding America in a state of unconstitutional subjection, we would shortly become slaves, or at least hold the mere shadow of our former liberties, at the will and pleasure of the crown, and its subordinate instruments. Having thus explained his present opinions and future apprehensions, he said, he would sit down with this open declaration, that he never would serve with any man, be his abilities what they might, who would either maintain it was right, or consent to acknowledge the independency of America.

The *Lord Chancellor* begged pardon of the right reverend prelate, if he had mistaken his words. He assured him, that he had no intention of so doing. He understood his lordship to have made use of the words "fruitless desolation;" but as he had disowned them, he had no more to say. Yet the expression as acknowledged

by his lordship, in his opinion, stood equally open to objection, as applied to the subject matter of the debate. He was still at a loss to know what sort of evils were fruitless, except of evil. No mode of speech could support a sense, different, unless the right reverend prelate would wish to be understood, that some evils were productive of good, and others evil; for his part, he confessed himself ignorant of the grounds of distinction, and could not, therefore, pretend to draw the line between fruitless and fruitful evil. As to the noble earl who spoke last, his positions seemed still to him equally dark and unintelligible. He agreed with the noble lord, that the privileges of the constitution should be co-extensive with the powers of government; but though in a free government, all those who lived under it ought to be free, that is, ought to share the benefits and advantages of the government they lived under; it did not follow, that the particular mode of exercising the powers on one side, or the enjoyment of those privileges on the other, were indispensibly necessary. In a dominion of such immense extent as the British empire, such a participation of the same species of privilege or municipal rights would be absolutely impracticable, and if practicable, would prove an injury, instead of an advantage. A transferring or giving the people of America the same constitution, would be giving them too much, or, according to the ideas of the noble lord, nothing at all: for if America were to have a legislative power, competent to every act of sovereignty, then, as he said before, here would be two sovereignties; if they were not to be allowed this species of exclusive sovereignty, then of course they would not be in the possession of the powers and privileges of the English constitution. The noble lord had repeated his former position, that without America, this country could not exist as a nation. This was no less contrary to fact than repugnant to every figure of speech he was acquainted with. The nation had existed without America. It so existed at present; and should America not return to her former state of legal obedience must continue to do so. It was enough for him to controvert the position in the terms it was stated; yet if he chose to push the argument the full length it would go, all he had to do was to maintain, that Great Britain must exist because America would again return to her duty.

Lord Camden said, he was far from thinking that the noble duke near him, or the noble earl, were at all censurable for having given it as their opinion, that Great Britain could not exist without America; he approved the expression; it was a strong, a fair, and a manly declaration. These were times in which it was highly necessary that men should speak out, and the position was unfortunately but too true. Perhaps, indeed, the word 'exist' was rather of too extensive a latitude. The word 'subsist,' meaning subsist as a nation would be better. With regard to the Manifesto, it was a weak and wicked publication; it ought to be damned; the more it was viewed, the more it appeared to be a fit subject of condemnation in that House. Their lordships could not too soon express their disavowal of its doctrines, which were damnable and detestable. The sense of the passages on which the present motion was founded, was obvious to the meanest capacity. The words "extremes of war and desolation," carried with them their own import. Let noble lords consider, if the passages in question were made a part of the instructions of an officer in the army, how would he understand, how would he act under them? Did it require a moment's hesitation to determine that he would directly do his utmost by fire and sword, to burn, to ravage and destroy whatever fell in his way, either men, women, and children, or towns, plantations, and settlements. But even supposing, for the sake of argument, that the expressions did not convey the meaning that the noble marquis had put upon them—why, then, ministers were to blame for having couched a public instrument in such indirect terms, that neither friends nor foes could possibly find out what they meant. The language of all proclamations should be plain and simple; else the very end of such instruments would be defeated. Here, however, even were the import hard to come at, ministers had written so legible a comment upon the passages by their conduct, that it was out of the power of all the sophistry of the schools, and all the quibbles of a King's-bench argument, to puzzle and distract the attention and understanding of the reader, from their true meaning. What had administration done against America from the first hour of their sending an army across the Atlantic? Had they not pursued her *flagrante bello*? What was the conduct at New York? Had not the army thrown women into the flames alive

when the town was on fire? Were not tomahawks and scalping knives defended as the proper instruments of war? Was not letting loose the savages to scalp and murder the aged, the innocent and the impotent, deemed using those instruments of war which God and nature had put into their hands? What was that hell-hound—he asked pardon for the expression, but he could give him no other title—colonel Butler, doing now? Had he not in the last summer gone up the forks of the Susquehanna, and laid desolate every little township and settlement he could meet with?—He next adverted to the line of conduct proper to be followed as matters now stood, and declared he differed totally from the commissioners, and the noble lords who had supported the Manifesto; that so far from distressing America, in order to incapacitate her from assisting France, he would advise a direct reverse of the proposition. Distress France, and render her incapable of assisting America. Attack France immediately; attack her powerfully by sea: we were still mistress of the ocean, and had it yet in our power to derive advantage from our naval superiority. To wound America, was to wound the right hand of Great Britain; to weaken France, was to strengthen ourselves. Were ministers ignorant, that all the possessions of this country were insular; that in fact, to hold out an intention of universal ravage in America, was inviting depredations on our own coasts, and that the system of retaliation, if once adopted (and it would be something worse than idiotism in France not to adopt it) would make Great Britain deeply repent her imprudence in having set the example. The Manifesto he described as one of the most plain and palpable proofs of weakness, incapacity, and cowardice, that ever was seen. The fair inference from it was, “We have tried our strength, we find ourselves incapable of conquest, and as we can’t subdue, we are determined to destroy.”

The House divided: Contents, 37; Not-contents, 71.

Protest against the Manifesto issued by the American Commissioners.] The following Protest was entered:

“Dissentient”

“1st, Because the public law of nations, in affirmance of the dictates of nature and the precepts of revealed religion, forbids us to resort to the extremes of war upon our own opinion of their expediency,

or in any case to carry on war for the purpose of desolation. We know that the rights of war are odious, and instead of being extended upon loose constructions and speculations of danger, ought to be bound up and limited by all the restraints of the most rigorous construction: we are shocked to see the first law of nature, self-preservation, perverted and abused into a principle destructive of all other laws; and a rule laid down by which our own safety is rendered incompatible with the prosperity of mankind. Those objects of war which cannot be compassed by fair and honourable hostility, ought not to be compassed at all; an end that has no means but such as are unlawful, is an unlawful end. The Manifesto expressly founds the change it announces, from a qualified and mitigated war, to a war of extremity and desolation, on the certainty that the provinces must be independent, and must become an accession to the strength of an enemy. In the midst of the calamities by which our loss of empire has been preceded and accompanied, in the midst of our apprehensions for the farther calamities which impend over us, it is a matter of fresh grief and accumulated shame, to see from a commission under the great seal of this kingdom, a declaration for desolating a vast continent, solely because we had not the wisdom to retain, or the power to subdue it.

“2dly, Because the avowal of a deliberate purpose of violating the law of nations, must give an alarm to every state in Europe. All commonwealths have a concern in that law, and are its natural avengers. At this time, surrounded by enemies, and destitute of all allies, it is not necessary to sharpen and embitter the hostility of declared foes, or to provoke the enmity of neutral states. We trust that by the natural strength of this kingdom we are secured from a foreign conquest, but no nation is secured from the invasion and incursions of enemies; and it seems to us the height of frenzy as well as wickedness, to expose this country to cruel depredations and other outrages too shocking to mention (but which are all contained in the idea of the extremes of war and desolation) by establishing a false, shameful and pernicious maxim, that where we have no interest to preserve, we are called upon by necessity to destroy. This kingdom has long enjoyed a profound internal peace, and has flourished above all others, in the arts and enjoyments of that

happy state. It has been the admiration of the world for its cultivation and its plenty; for the comforts of the poor, the splendour of the rich, and the content and prosperity of all. This situation of safety may be attributed to the greatness of our power: it is more becoming and more true that we ought to attribute that safety, and the power which procured it, to the ancient justice, honour, humanity and generosity of this kingdom, which brought down the blessing of Providence on a people, who made their prosperity a benefit to the world, and interested all nations in their fortune; whose example of mildness and benignity at once humanized others, and rendered itself inviolable. In departing from those solid principles, and vainly trusting to the fragility of human force, and to the efficacy of arms rendered impotent by their perversion, we lay down principles and furnish examples of the most atrocious barbarity. We are to dread that all our power, peace and opulence should vanish like a dream, and that the cruelties which we think safe to exercise, because their immediate object is remote, be brought to the coasts, perhaps to the bosom of this kingdom.

"3dly, Because if the explanation given in debate, be expressive of the true sense of the article in the Manifesto, such explanation ought to be made, and by as high authority as that under which the exceptionable article was originally published. The natural and obvious sense indicates that the extremes of war had hitherto been checked, that his Majesty's generals had hitherto forbore (upon principles of benignity and policy) to desolate the country; but that the whole nature and future conduct of the war must be changed, in order to render the American accession of as little avail to France as possible. This, in our apprehensions, conveys a menace of carrying the war to extremes and to desolation, or it means nothing. And as some speeches in the House (however palliated) and as some acts of singular cruelty lately exercised, are perfectly conformable to the apparent ideas in the Manifesto, it becomes the more necessary for the honour and safety of this nation, that this explanation should be made. As it is refused, we have only to clear ourselves to our consciences, to our country, to our neighbours, and to every individual who may suffer in consequence of this atrocious menace, of all part in the guilt or in the evils that may become its punish-

ment. And we chuse to draw ourselves out, and to distinguish ourselves to posterity, as not being the first to renew, to approve, or to tolerate the return of that ferocity and barbarism in war, which a beneficent religion and enlightened manners, and true military honour, had for a long time banished from the Christian world."—(Signed) "Camden, Abergavenny, Portland, Abingdon, Coventry, Beaulieu, Grafton, Stanhope, Wycombe, Craven, Rockingham, Scarborough, I. St. Asaph, Tankerville, Cholmondeley, Richmond, Ponsonby, Devonshire, Bolton, Derby, Foley, Radnor, Manchester, Spencer, Egremont, Fitzwilliam, De Ferrars, Harcourt, Fortescue, Ferrers, Effingham."

Debate in the Commons on the State of the British Army.] Dec. 10. Colonel Barré moved, "That there be laid before the House, copies of the last General Returns of his Majesty's Forces, Militia included, in Great Britain."

Mr. Jenkinson said, the hon. gentleman surely did not wish that the exact state of our national defence should be made known to the enemy, which must infallibly be the case if the papers demanded were granted. The House, no later than the last week, had so clearly perceived the impolicy of admitting our enemies to a circumstantial knowledge of the state of our force at sea, that it had rescinded its own orders for naval papers: the same reason, no doubt, would prevail with regard to our land force.

Colonel Barré said, it was truly curious, that a motion of so simple a nature, that could not convey any information to the enemy which they were not already in possession of, should at this dangerous crisis be refused. He intended to follow this with motions for an account of the troops serving in Ireland, and in the West Indies. The necessity of this motion would be apparent to the House, when they recollected that, in the instance of Dominica, the House, as well as the nation at large, had been altogether ignorant that there were but 41 men in the garrison to manage 160 pieces of cannon and 20 mortars; and that the governor had even written home for more troops, to prevent the stores in the garrison from being plundered and stolen: 70,000*l.* had been expended on the fortifications of the harbour, where nature had combined with art for its de-

sence, and having placed it in the midst of the French islands, rendered it our viceregent to receive suit and service from them all as vassals. He also intended to move for the proper papers, to inform the House of the periods when the regiments levied in England and Scotland by voluntary subscription or gift last year, were severally completed. This he did, because he conceived there were very great partialities observed towards the noblemen and gentlemen of the northern part of this country, in the raising of these regiments; and he wished to be informed whether the measure had been effectual towards the end that was proposed. He knew not why that particular corner of the King's dominions had been deemed the most eligible for the purpose of levying regiments. But if there was any good reason for preferring that part of the country, and which had induced government to treat with a degree of contempt, officers of the same nature from persons of the first rank and fortune in this part of the kingdom; yet he wished to know why it was permitted to those northern noblemen and gentlemen to come into the streets of London and Dublin, expressly against the spirit of their proposals, and pull off the breeches of Englishmen and Irishmen to fill up their Highland regiments.

Mr. *Stanley* said, the inhabitants of Liverpool and Manchester had once put a confidence in administration which they did not deserve; but they, as well as others, had at length their eyes opened. He instanced the partiality shewn to the northern corps, in preference to the new levies raised in England: 3*l.* levy money were given for each man enlisted for the former, and not a shilling for the latter. This was a most ungrateful and ungracious requital for stepping forward in the moment of danger and difficulty; but he was well satisfied, that experience had instructed them in future to put no confidence in the present ministers. As an additional proof of the partiality shewn to the northern corps, he informed the House, that though the Manchester and Liverpool regiments stood highest on the list, after the old corps, that is, were entitled to precedence, having made the first offers; nevertheless, when they came to rank, the first was put forward, and, instead of standing at No. 78, to which they were entitled, their rank was fixed at 79, and the precedence given to the northern corps before them.

Mr. *T. Townshend* enforced the argument concerning the danger of stripping the kingdom of the old corps; and urged particularly the very alarming communication made by a late ambassador at the court of France, in the other House (lord Stormont) relative to the shameful conduct of ministers, in concealing from parliament any knowledge of the treaty entered into between France and the Congress delegates. He reminded the House, that the whole Treasury bench, when interrogated whether they knew any thing of the treaty, answered, with one voice, they did not. The propriety of this motion came with additional weight, when it was plain the conquest of America was impracticable; and since France and America were leagued for our destruction, it was our business to keep such a force at home as would be sufficient both to defend us and keep France in awe, and employ the remainder of our army in protecting such of our distant possessions as we still retained in a state of defence.

Lord *North* disclaimed all partiality. Manchester and Liverpool had offered to raise corps without expence to government; and the gentlemen in the north had demanded 3*l.* a man levy money; the offers of both had been complied with: here he could see no partiality; on both sides the public had made a good bargain. As to the rank or number of the regiment, the priority of number he presumed is always granted, not to the corps that is first begun to be raised, but to that which is first completed; and as some of the Scotch corps had been completed before that of Liverpool, the latter was obliged to rank after them. With regard to the motion, he insisted, that there were circumstances that might so essentially alter the nature of a measure, as to render it dangerous at one time, though it might be perfectly harmless at another. In such circumstances we were at present; and, though a similar motion had passed the House last year, he never could consent that a similar one should be granted for several years successively, lest in the end it should be deemed a matter of course, from which we could not, with propriety, depart.

Colonel *Barré* again called the attention and justice of the House to his motion. It was indispensibly necessary that the House should cease to act at the nod of ministry. He would have every member to feel for himself. It was time to act

like honest men. As to the French, they knew us already much better than any papers on the table would inform them. What he wanted was, that the representatives of the people might know into what a plight we had fallen; for above 200 members, he was sorry to say it, were totally ignorant of what all France knew. With regard to the military, great partiality had been shewn in the calling out the same, especially in raising the new corps and levies. An officer, great in military talents, great in every virtue, and great in the confidence of the nation, (the duke of Richmond) had made application to raise a corps; but so far from accepting it, no kind of answer had been given. The hon. gentleman, however, over the way (col. Murray) had found grace with administration. He had applied to raise a regiment, and the application had been acceded to. He had nothing to say against the colonel. He was a brave, honest, deserving officer, covered with wounds in the service of his country. But he could not but think the noble duke as much entitled to the receipt of such a favour.

Mr. Burke. Last year, when we were actually and confessedly weak, says the noble lord, it was proper to inform our enemies of our national imbecility; because though France was not at war with us, she was secretly making preparations to invade us: now that we have a very numerous veteran force within the kingdom, with a well disciplined, brave, and well-appointed militia, amounting to upwards of 30,000 men, and that we are, of course, actually and confessedly every way strong and well prepared, the noble lord tells you, it would be imprudent to apprise your enemies of your strength. This was a species of argument, which he employed with equal success in the next sentence. To those, says his lordship, who asked money, we gave money; to those who made us no such demand, we gave none; so that the offers and the acceptance were the same throughout; we gave to each what they asked, and no more. In the same rigid adherence to office forms, and to the rigid rule of right, what does the noble lord next tell you? That the towns of Manchester and Liverpool made no previous terms or conditions respecting the appointment of the field officers of their respective regiments; the noblemen and gentlemen of the northern part of the kingdom were not entirely so neglectful

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of what they owed to themselves and their friends. What is his lordship's conclusion? That those who have stipulated for the appointment of the field officers, had the terms granted and punctiliously ratified on the part of administration; but that those who, trusting to the honour and gratitude of government, had in two instances already, and would in a third, if the noble lord proved as good as his word, have their requests uniformly denied, as absurd, unreasonable, and contrary to the rules of established service.

Colonel Murray said, as far as he could learn, there was no partiality: there was, he believed, in the Highland regiment, about 30 Irish and 15 English, but that merely arose from a circumstance of an officer raised to an higher rank, who was led by his connections to recruit in that country. He said, as to the levy-money, it was far from being sufficient; he was certain, every man procured, cost considerably more than the bounty granted by parliament; and as to the corps being incomplete, he could say, for his own, it at present contained 1,010, which was but 74 short of its full complement.

Mr. H. W. Hartley said, that though the conduct of France made the utmost exertions of Great Britain necessary against her, and against those who might be joined with her, yet he should ever consider in a different light an American and a Frenchman, and, as much as lay in his power, separate the two parties. He lamented that the measures of ministry had made this a very difficult task; but still he would lose no opportunity of distinguishing between them as much as possible; and as he had always thought the American war was founded in injustice, and prosecuted in folly, so he could not condemn the resistance of America; but as he would be ever ready to lay down his life and fortune to support the honour of his sovereign, and the interests of his country, against their natural enemies, so he would be ever the foremost to seek a reconciliation with America. He therefore desired to know if more regular troops were to be sent out to that country, which he feared would only tend to exasperate the minds of the Americans, and prevent their being open to any reconciliation.

Sir P. J. Clerke was of the same opinion. He had great confidence in the spirit and activity of the militia and new-raised recruits, when joined with, or mixed among, the veteran troops; but did not

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approve of trusting principally to their defence.

Mr. *Fox* said, that the nation to a man would at length, as well as their steady and zealous friends, the inhabitants of Manchester and Liverpool, have their eyes opened, and be convinced, he feared when it would be too late, of the incapacity, absurdity, and obstinacy of an unprincipled administration. He did not doubt but the nation in a body would discover, not the personal perfidy of this or that member, but the destructive and unconstitutional system of government they had been employed as the wicked and willing instruments of carrying into execution. He then remarked upon the professed impartiality of the noble lord, and the directive spirit which inspired his political conduct as first minister. Every kind of proposition, and every proposer, came equally well recommended to him; he was ready to meet every man on his own ground; he that came for money should have it, he that desired none should be bound to his bargain. The noble lord said, no partiality had been shewn. He could tell one instance at least, which directly contradicted that assertion. A noble relation of his (the duke of Richmond) had offered to raise a regiment without a shilling expence to government; but his offer was refused. Nor was that all: it was treated with silent contempt, not a syllable of answer was ever returned, not so much as an acknowledgment of the receipt of the letter. No; in the language of the *Morning Post*, "the Gallic duke," "the Anglo-Gallic duke," was not a fit person to be trusted in the way of his profession, and in defence of his own property and native country. The noble duke was too much in the interest of France, though common sense, or common probability, must give the lie direct to every such insinuation, independent of the well known patriotic sentiments of his noble relation, when it was considered, what a great and valuable property he possessed in this kingdom, and what a trifling property he held in France. But these were mere pretences, to cover the fixed rancour and enmity whence proceeded this systematic abuse. That nobleman's chief crime was, that he was a Whig; that bred, and continuing steadfast in principles of Whiggism, those, to whom those principles by nature and education were obnoxious, found in him a most formidable and able resister of their schemes of despotism; and that he remained firm

and unshaken in his resolution to oppose the diabolical attempts of the instruments employed to render the constitution of this country no better than an empty name.

Colonel *Barré* observing that the majority were against his motion, said it was now for parliament to see with its own eyes—the times were serious—they were critical—they were dangerous. He wished to do his duty; he meant to do his duty. There might be struggles; and the vengeance of the nation might be wreaked on those who had brought the nation to the lowest ebb of misery and distress—who had dismembered it of 13 provinces; and who, if not timely checked, might ere long add to these calamities what he trembled to think of.

Lord *Beauchamp* contended, that, if the last returns from the militia should be laid before the House, no just idea could be formed from it of the true state of our home-defence; for, by the nature of that service, such numbers were entitled to their discharge at the end of three years service, that the corps must be considerably reduced. This was a great defect, which he wished to see remedied in our militia laws; he wished a provision might be made in a future Bill, by which the militia should, in case of threatened danger to the state, forfeit for a while their right to their discharge. The motion appeared to him of a dangerous tendency; he would consequently oppose it.

Mr. *Fox* moved as an amendment, that the words "militia included" be left out of the motion.

Mr. *Rigby* said, that it was a very extraordinary language used by the right hon. mover, to say, that the loss of Dominica would be laid at the door of admiral Barrington; on the contrary, he was convinced that admiral was as gallant an officer as any in the service.

Colonel *Barré* said, no man on earth was farther from insinuating any thing to the disadvantage of admiral Barrington. He was equally persuaded of his great professional merits, and his many amiable qualities in private life.

Colonel *Onslow* insisted upon knowing what the hon. mover meant by "struggles." If no explanation was given, he should take it to signify rebellion. A menace! a threat! and nothing else. Good heaven! to what a predicament are we reduced! The rebellion in America has brought us into a war with France, perhaps soon with Spain, and now nothing

but rebellion' will do at home. I have long seen this coming on.

The original motion was negatived. The question being put on the Amendment, the House divided: Yeas 28; Noes 103.

Debate on Mr. Temple Luttrell's Motion for the Trial of Sir Hugh Palliser.] Dec. 11. Mr. Temple Luttrell said, that, in the Committee of the Navy Estimates, he had mentioned,* in the presence of two great naval officers, the affair of the 27th of July; and as a publication had appeared in a morning paper, since their return into port, signed with one of their names, containing a personal defence of his own conduct, and supporting it by censuring that of the commander in chief, he did on that day call for some explanation of the matter; when both the hon. gentlemen rose in their places, and respectively defended their characters. Two circumstances came out, however, on that occasion, which formed the true ground of the question he was about to submit to the House. One was, that the commander in chief said, that his signal to engage was out from 3 in the afternoon till 8 in the evening, and was not obeyed. The fact stated was acknowledged to be true by the vice-admiral of the blue; but he justified his not answering the signal, upon a general assertion of the impracticability, from the damage he had received. The admiral's observations contained an implied charge of disobedience; the consequence of which was, that he was prevented from re-attacking the enemy; the vice-admiral's acknowledgment went to the direct admission of the fact, qualified by circumstances of disability. So the matter rested for that time, it not being properly before the House. But at the conclusion of the debate, he pledged himself, that he would propose some mode of bringing the affair properly under the consideration of the House, and frame some motion for taking the sense of it, upon a subject which, in every view it could be taken, was, in his opinion, of the first importance. Both the hon. gentlemen were now again in their places. The motion he intended to make was chiefly founded on the conversation which passed between the admiral and the vice-admiral. It was said, he understood, that his introducing the affair the other night was by previous concert with one of the parties,

or his friends. He begged leave to assure the House, that no surmise was ever worse founded; that what he offered at that time entirely proceeded from himself, as did the part he was now going to take. He had acquainted no person in that House, or out of it, with his intentions; nor did he, now he was going to commit it to the sense of the House, know that it would be so much as seconded, unless the vice-admiral himself should, in order to vindicate his character, do that friendly office for him. He then moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions that a court-martial may be held to inquire into the conduct of vice-admiral sir Hugh Palliser, in and relative to an action near Ushant, on the 27th of July last, between his Majesty's fleet and the fleet of France: it appearing to this House, that the said vice-admiral did not obey the signals of his superior commander, when preparing to re-engage the ships of the enemy."

Sir Joseph Mawbey seconded the motion, and urged a few words to shew its necessity.

Sir Hugh Palliser said, that he looked upon himself most injuriously treated by the attack of some dark, concealed assassin, in a newspaper; that he waited on his admiral, as the only person who could afford him that assistance he wanted towards vindicating his character; that his application proving fruitless, he had recourse to the sole means in his power, an appeal to the public, of wiping off the aspersion. This he had done in an open and fair manner. Here the affair rested, till the hon. gentleman, who made the present motion, brought the subject to be discussed in that House; on which occasion, he could not help observing, that the hon. admiral, instead of explaining, acted, in his opinion, in a very unbecoming manner; for, without making any direct accusation of a criminal nature, he substantially charged him with disobedience, and seemed to lay the want of success on the 27th of July at his door; either on the score of refusing what was actually in his power to do, or a mere want of knowledge in his profession. These were insinuations he had determined he would not lie under; he was conscious he had performed his duty; nor would he, from any motives of convenience, expediency, or public opinion, father the faults of any man. The truth was, that the admiral endeavoured

* See Vol. 19, p. 1378.

to load him with the public odium of the miscarriage of that day, and compel him to submit to bear the blame of his own mistakes and incapacity. Finding that neither by personal applications, nor from public motives, the admiral could be prevailed upon to do him justice; and that he asserted, in the face of the nation, that he would never serve with him, he found himself drove to the necessity of doing what was extremely irksome; that was, of accusing him of being the cause of our disappointment on that day; in which, if the British flag was not disgraced, it gained no additional honour. He was compelled to do this, to repair the injury done to his honour. Such was the precise situation he stood in. What he had done, therefore, was dictated by self-defence; and he did it with the utmost pain and reluctance, as there were few men living he had a higher veneration and esteem for than the hon. gentleman, as a friend and intimate acquaintance, whom he had known for many years, and whose friendship he looked upon as one of the happiest circumstances of his life.

Earl *Nugent* condemned the conduct of the vice-admiral, and was against the motion. He said, such a mode of proceeding, at any time, would be extremely wrong, much more so now when every thing valuable to the nation was at stake. He said it was extremely imprudent of the vice-admiral to take notice of an anonymous publication in the manner he did; and equally imprudent to press any one point leading directly to an inquiry, which would call the great naval officers from their duty, and sow dissention among all ranks of seamen, from the admiral to the foremast-man. As to the professional reputation of the two officers, in what instance had either of them suffered? In the public prints: and were those anonymous imputations sufficient grounds for an inquiry? Suppose every fine woman who saw herself calumniated in the same manner, by one of her own sex, who was envious of her charms, was in like manner to demand an inquiry, where would it end? The idea was too absurd to reason upon it. The French, it was true, claimed the victory; a strange effect of conquest! stealing away under covert of the night, leaving their whole western commerce at our mercy, and hiding themselves in port, behind their forts and batteries; yet they asserted in the language of gasconade, so familiar to them, that they conquered;

but they lied. I hope I shall receive no challenge for this; if I should, this House must be an old man's second.

Capt. *Walsingham* censured sir *Hugh's* publication. He recollected well, that he never saw more cordiality than appeared among all the officers on their return into Plymouth after the affair of the 27th of July. The admirals seemed to live extremely happy together. He dined almost every day with some one party or other. He heard both the hon. admiral and vice-admiral say the handsomest things of each other when absent. There was not a single captain in that service, he believed, with whom at times he did not converse; and he protested, he never heard the most distant insinuation thrown out to the disadvantage of the admiral or vice-admiral. He had extremely to lament that the vice-admiral took notice of the anonymous publication. He had good reason to believe he knew the author, and was perfectly satisfied that it was a lieutenant aboard the vice-admiral's own ship. He warmly recommended unanimity, and said he would give his negative to the motion.

Lord *Shulldham* confirmed every thing the hon. captain had asserted, being present at the scene described; and solemnly affirmed, that not the most distant insinuation transpired, to the prejudice of either of the commanders.

Lord *North* said, that the House had not a single tittle of evidence to support it as a resolution of a matter of fact.

Sir *W. Meredith* moved that the latter part of the resolution be omitted, because there was no proof of disobedience before the House; and if there even was, he thought it would be extremely improper to order a trial, upon such a motion of pre-judgment.

Lord *North* agreed with the amendment; and said, he should give the remaining part of the motion a negative, in some shape or other.

Lord *John Cavendish* was of the same sentiments; expressing his sorrow that, at so critical a moment, such unhappy dissensions should arise. He was of opinion, that it would not be proper to give a direct negative, but rather to do it by the previous question, or by moving the order of the day.

Admiral *Keppel* rose, and thanked his friends on every side of the House for their personal partiality for him, and their unwillingness that any inquiry should be made into his conduct, as one of the parties con-

cerned in the affair of the 27th of July. But that was now over; he had been accused, and publicly accused. Specific charges of neglect, incapacity, &c. had been lodged at the Admiralty board; and he had notice, in consequence of this accusation, from that board, to prepare for a court-martial. However disagreeable some of the concomitant circumstances might have been, he was now forty years in the service, and it was one of the most pleasing passages of his life. He did not court the enquiry, for many obvious reasons, some of which had been mentioned in the course of the debate; but now that inquiry was determined upon, he should meet it with calmness, and inward satisfaction.

The hon. gentleman, who was his accuser, had, in his speech, stated the necessity of his conduct, on account of the insinuations thrown out by him the other night. He appealed to the recollection of the House, whether what he said admitted of so unfavourable an interpretation; if it did, he surely did not intend to do so. He stated a fact, but so far from drawing any conclusion from it, he said, the only fault that he knew the vice-admiral to be guilty of, was writing a letter in the morning paper, signed "Hugh Palliser;" and if he was of that rancorous disposition which such an imputation would imply, he might have insisted on having the hon. gentleman tried for promoting mutiny aboard the fleet; for, most certainly, whatever went directly to charge the commander with neglect, &c. in this public manner, was of a mutinous tendency. Thank God, he was not the accuser, but the accused! He was called out to serve his country at a very critical period: he had performed his duty to the best of his abilities; and whatever the issue might be, he had one consolation, that he had acted strictly to the best of his judgment. He should decline saying a syllable to the question, as he could not think of voting, and should quit the House. [There was an almost general plaudit at the end of each sentence.] He then went away.

Admiral Pigot entered into a recapitulation of the many public and private virtues possessed by the hon. admiral who had just quitted the House. He said he had been 44 years in the service himself, forty of which he had the honour of being acquainted with the hon. admiral, both as a private and public man; in the whole course of which, he never knew a single

action of his life that did not serve to produce some instance highly deserving the approbation of every good and honest man. As to the vice-admiral, he said, though he had not known him so long, he always esteemed him as a worthy man, and a brave officer; but, standing as he did, he would prefer truth to opinion, he would express himself freely, and without the least degree of reserve. The hon. gentleman had accused himself in a newspaper, signed with his own name: at least, he had substantially done so; for, in answer to an anonymous publication, he had written a letter to his admiral, in which he agitated a point little known, and universally unattended to, that of not obeying the signal for battle; the consequence of which was, that he acted the part of his own accuser. He acknowledged that he did not obey the signal; and by that acknowledgment, admitted a fact that it was impossible for the admiral to explain away were he so inclined, because it was that species of proof that no man could controvert. By the motion now on the table, the same admission on the part of the vice-admiral was brought before and into the recollection of the House. What, then, could admiral Keppel do? He could not contradict the vice-admiral's own words; he could not take a blame upon himself which he was no way answerable for; nor could he, consistently with his own honour, or the service he was engaged in, venture to sea with a person who had, in a public newspaper, signed with his name, censured his conduct as commander in chief on the day of action. On the other hand, what was the conduct of the vice-admiral? He is present on the 27th of July; he is a witness to the pretended neglect and misconduct of the admiral; he returns to port, and, while on shore, continues on a footing of friendship with his commander. He goes a second time to sea, and returns a second time; and yet all this time there is not a word of censure or complaint on his part; and now, at the end of almost five months, he exhibits an accusation against his principal! He affirmed, (for he would speak out,) that the Admiralty acted very rashly and hastily in this business. An officer of Mr. Keppel's rank, services, and professional character, deserved another kind of treatment. The Admiralty-board should have deliberated, and have acted with a becoming caution before they received the vice-admiral's complaint; at least, before

they took a single official step in consequence of the accusation made against Mr. Keppel. They should have considered the grounds of difference, the circumstances which produced them; they should have recollected, that the vice-admiral was personally displeased with his principal. He said, he was extremely sorry for the conduct of the vice-admiral, so far as it respected that gentleman personally; but he confessed he was astonished at the conduct of the Admiralty-board, which could act in so precipitate, and seemingly partial a manner.

Lord Mulgrave said, the constitution of the board was this: they were, in all matters of accusation, obliged to act ministerially; they had no judicial power; but when a complaint was preferred, they were of course not only compelled, in discharge of their office, to receive it, but to give the necessary directions to proceed to trial. Apply, then, the constitution of the board to the point in question. The vice-admiral prefers an accusation, consisting of five separate charges, properly drawn up, and specifically pointed. What, then, could the Admiralty-board do? They must either take upon them to pre-judge the truth of those charges, or admit them to be such as were fit to be sent to the consideration of a court-martial. The first they could not, dared not do, being totally ignorant of the truth or fallacy of them; the second they were obliged to comply with, because the matter admitted of no alternative. If there was any fault in receiving the accusation, and acting in the first instance ministerially upon it, by ordering a court-martial, he, for one, was ready to take it upon himself.

Admiral Pigot said, that the hand of the Admiralty-board was not tied up in the manner described by the noble lord, because that would amount to a principle which would go to the destruction of all naval service, and leave every superior officer at the mercy of his inferior. The vice-admiral's conduct was such as would fully justify caution and deliberation in the Admiralty-board. Five months the vice-admiral remains silent; at the end of five months he exhibits a charge of neglect, &c. against his admiral. In this interim he serves under him; he goes to sea a second time under his command, and now appears as an accuser, for the express purpose of vindicating his own character. He was pretty sure, the Ad-

miralty-board could not be restricted in the manner described by the noble lord; that they were not precluded from exercising their own judgment; nor were obliged, in any instance, to give effect or existence to a charge which they were previously persuaded was frivolous or ill-founded: or had reason to suppose originated more in personal resentment than in any just foundation.

Mr. Burke now rose, and desired an Act of the 22d of George 2, s. 33, to be read, which provides that all complaints against officers in the navy shall be prepared within three years after the fact committed, or within one year after their arrival in any port of Great Britain or Ireland. This, he said, altered the law as it formerly stood; for, previous to this Act, the Admiralty-board might, to gratify resentments or factious purposes, receive a complaint against any commander, or any other officer, without limitation in point of time. Here, then, was the clearest testimony of the previous existence of a discretionary power in the Admiralty-board. If there had been no previous discretion in the Admiralty-board, there could be no occasion for confining it. If there was a discretionary power then, it continued still in force, in every other respect; for that was the only instance in the whole Act in which it was limited.

Lord Mulgrave said the clause pointed to a particular grievance, and gave a remedy; but it was not by implication, or remote deductions, that the law of the 22d of his late majesty was to be explained. It was an aggregate of all the laws which were then in being relative to the Admiralty, the exercise of its official powers, and all the subordinate functions exercised under its authority. The affair in the Mediterranean, under Matthews and Lestock, had given rise to several new difficulties, which the statute of 1749 was framed to correct. It had been strongly urged, that several officers, who had been accused of high crimes, were permitted to escape with impunity; because there remained a power in the Admiralty board, or commander in chief, to refuse to proceed upon accusations openly and specifically made. He did not wish to make any application of what passed on that occasion to the present times; but, if he recollected right, the vice-admiral Lestock found himself in a very disagreeable situation. He found his conduct impeached; he demanded a court martial, but was re-

fused it. In short, the numerous inconveniences which arose in the course of that well-known miscarriage in the Mediterranean, was the true cause of the statute of the 22d Geo. 2, in which it is specially enacted, that, upon an accusation delivered by a known accuser, the Admiralty board shall give immediate orders for a court martial, which court martial shall consist of the senior flag officer of the port at which the board shall appoint the inquiry to be made, and the 13 senior captains. This was the constitution of the Admiralty board: and under this constitution, he contended, that the board was bound to act merely ministerially, and in no other manner; the accusation being made, the board had no option; they must act as they did, or not at all: if, indeed, the accusation was loosely or inaccurately drawn up; if it was frivolous and vexatious in its tendency; if it was destitute of specification; then it might have been the duty of the Admiralty to have looked to the consequence of such a loose, indefinite charge; to which, from its want of specification or inaccuracy, no proper defence could be made, nor any definite issue taken: but, he begged leave to say, that the accusation preferred by the vice-admiral contained five specific defined charges, directly affirmative of misconduct, neglect of duty, of the admiral's not doing all in his power to destroy or re-attack the enemy; and therefore the board could not discretionally reject them.

Admiral Pigot said, the noble lord's description of the constitution of the Admiralty board, under the statute, was ridiculous; it was monstrous; and would, if true, destroy all service and subordination. By the noble lord's reasoning, he would wish to persuade the House of the existence of this principle, that the commanders in chief were liable, at the pleasure of any inferior officer, or a lieutenant, or a midshipman, to be accused in the manner described by the noble lord; on which, without any previous communication whatever, the Admiralty board were instantly compelled, in the language of the noble lord, to give directions for a speedy trial. What, for instance, would have been the case of the honourable admiral, now absent from his place, on his last sailing from Portsmouth, when the very fate of the kingdom was at stake, and when a very few days delay might have proved fatal, if some lieutenant or midshipman aboard his fleet had made any one specific charge, answer-

ing the description of the noble lord, respecting his conduct on the 27th of July? That he would have received notice from the board, that a court-martial would be speedily held upon him, to answer the specific charge or charges made; that the next in command under him, at that port, was to sit as president on his trial; and that the 13 eldest captains were to be his triers. The principle maintained by the noble lord went this length, or it amounted to nothing. If the principle of discretion was abandoned in any one instance, it must in every other where the charge was specific. What, in this presumed case, would be the condition of the nation? The admiral must be brought to immediate trial; and all the operations at sea suspended, till another successor is appointed. This would be such a state of things, as was monstrous to think on. He was certain it was never the intention of the framers of the Act, nor the practice of any one commissioner of the Admiralty who acted under it, since it was framed, to proceed in so preposterous and extraordinary a manner. He turned to the conduct of the vice-admiral, who, he said, had affected all along to have been induced to answer an anonymous publication, so often alluded to, and proceeded to subsequent steps, merely for the sake of clearing up his honour, and having his conduct inquired into. Yet what has the vice-admiral done? Instead of urging an inquiry, such as he seemed desirous to press for from the beginning, he had shrunk from it in his own person, and had endeavoured to evade it, by accusing his commander in chief.

Lord John Cavendish said, the arguments and deductions of the noble lord went plainly to this, that every professional man might accuse his inferior or superior; and that the accusation must be received; and if specific and direct, the Admiralty board must proceed by ordering an immediate trial; because they acted ministerially, and were obliged to comply, without any deliberation. If the Admiralty board was thus tied up, the most speedy and effectual means ought to be adopted, to put that board upon a different footing; if it was not, then every thing urged by the noble lord was at an end. It was the spirit of all jurisdictions in this country to deliberate before they determined. It was the use of a grand jury to stand between the accused and accuser; and though he would not pretend to give a decided opinion on the subject, he was

led to believe, that the Admiralty board were invested with a declared or implied power to deliberate upon the nature and circumstances of the charge, and to act in the capacity of a grand jury, by giving a legal operation to the charge, or rejecting it as ill-founded and vexatious.

Mr. Fox said, as the noble lord had said, that the Admiralty board acted only ministerially, and could only proceed upon specific accusations given in; and as he was convinced his noble relation, admiral Keppel, would never submit now, be his provocations ever so great, to become an accuser, he thought it would be extremely improper to give the motion a direct negative; because if sir Hugh should not bring on an inquiry into his own conduct, the justice of the nation would be eluded; he meant if it should appear, as he trusted it would, that his hon. relation had performed his duty. On the last day the vice-admiral was in his place, he said, he wished most earnestly for an inquiry into his conduct, if it could be so consistently with the interests of his country, at this very important period. Without a single additional reason that could operate on his conduct between that day and last Wednesday, instead of preferring the interests of his country to personal feeling and justification, what had the hon. gentleman done? He had not applied for an inquiry into his own conduct, the professed object of his newspaper publication, and his declarations in that House; but he had, in the first instance, fled from the inquiry himself, by accusing his admiral: and had, besides, sacrificed what he deemed, and so often repeated, to be the interests of his country, not to his own defence or justification, but to the accusation of his principal.

General Conway said, he looked upon it that every official board was invested with a discretionary power; he believed it was so in the army, though he did not pretend to say positively. When he presided at the board of Ordnance, he always understood that he had a power to reject complaints, as well as receive them.

General Keppel said, the usage of the army was to refer the complaint to a board of general officers, who reported to his Majesty, through the medium of the secretary at war; and the King gave orders to proceed, or not, as he thought fit.

Sir Hugh Palliser said, he found that no reparation for his injured honour was to be obtained, but by a trial. It could

not be expected that he would accuse himself. The hon. admiral, absent from his place, though he censured him, by openly declaring that he would never serve with him, at the same time refused to make that kind of accusation which alone could put him in a way of vindicating himself; he was therefore driven to the necessity of becoming an accuser, when he could not obtain justice by any other mode. If his conduct was criminal, why did not the hon. admiral call him to account in a proper manner? If it was not criminal, how could the admiral reconcile to himself the publicly charging him with disobedience, and accompanying that charge with a declaration that he would never again serve with him? The truth was, the public were disappointed relative to the event of the engagement. No mark of disapprobation appeared in the conduct of the admiral, till this circumstance was known, when it was industriously circulated, that it was the fault of the rear-admiral of the fleet that the French squadron was not re-attacked. This was the true state of the case. And as to not making his accusation earlier, the same question might be asked of the admiral, why did he not mention his disapprobation earlier?

Sir Joseph Mawbey said, the whole had every appearance of a preconcerted scheme to ruin the admiral; that the vice-admiral was a member of the board which had given legal existence to the accusation; that he was called to that board through the favour of the first lord of the Admiralty, who, it was known, directed its deliberations; and that there were the strongest reasons to believe that—

Lord Mulgrave called the last speaker to order; and insisted, that he ought not to be permitted to make charges which amounted to a criminal accusation, if true, without supporting such accusation with proofs; besides, the whole matter was foreign to the debate.

Mr. Burke, to order, said, that the hon. gentleman was not disorderly; that what he was submitting to the House, was perfectly relative to the subject under consideration. It went no further than presumption, and of course called for no proofs: suspicion was a good ground of presumption, and presumption was at all times, in that House, maintainable in argument.

Sir Richard Sutton said, he would mention a fact, which was, that an hon. friend of his (admiral Graves) who had served in

America, and, during his absence, was made the subject of news-paper malevolence, in order to vindicate his character, applied to the Admiralty-board for a court-martial, but was refused, upon this ground, that they could not bring him to trial without a previous accusation, and that the King was perfectly pleased with his services. This fact, he said, proved, that the vice-admiral could not bring on an enquiry into his own conduct, and that the powers of the Admiralty-board were merely ministerial.

Sir Joseph Mawbey said, he had a right to argue upon suspicion and presumption; and pointed those suspicions directly at the first lord of the Admiralty, and pressed, without reserve, that species of presumptive proof, which his suspicions supplied him with. The noble lord (Sandwich) was the mouth of that board; that the inferior commissioners were no better than cyphers; and that, consequently, every act, whether deliberative, ministerial, or otherwise, was solely the act of the noble lord, howsoever disguised; that the present accusation had every appearance of a preconcerted plan to ruin the admiral; and that he hoped and trusted, that so black, malignant, and treacherous a step, to strip one of the brightest naval characters this country could ever boast of, would meet with the honest indignation it merited, and finally lead to a full detection of the authors of so infamous a project.

Sir Hugh Palliser affirmed, upon his honour, that he had no previous concert with the noble lord alluded to, nor with any individual at the Admiralty-board; that what he had done was purely the vindication of his own honour and character; that, such being the object he had all along in contemplation, he never communicated a syllable of his intentions to any man; and, be the event what it might, he could with truth repeat, that he acted throughout upon his own judgment, without either consultation or advice.

Mr. Temple Luttrell said, that he should ever look upon a fact asserted by any hon. member in his place in that House, as entitled to full credit, if not contradicted upon equal authority, and by the party concerned; but when the fact stated concerned a person present, and the fact was acknowledged by that party, he could not hesitate an instant to give credit to the full extent it had been asserted and acknowledged. The fact stated by the hon. admiral, now absent, was, that the vice-

admiral did not obey the signal; which was confirmed by the vice-admiral himself, who acknowledged the flag was flying for five hours, but that the condition of his division did not permit him to obey it. This was such a species of proof, as exceeded any other mode, however formal or solemn. These were the grounds on which the latter part of his motion was founded; but he very readily consented to the amendment. Besides, he thought that the vice-admiral, having no other objection to the motion, would gladly close with the preceding part; because he had professed an inquiry into his conduct to be the dearest wish of his heart. The only qualification mixed with this earnest desire of the vice-admiral was, that he feared it might impede the public service; yet, in a few days after, the vice-admiral, by accusing his principal, caused those very inconveniencies he was so desirous to prevent. Such, then, being the true state of the case, however eager some gentlemen might be to get rid of the question, he hoped, in vindication of his own honour as a professional man, that the vice-admiral would do every thing in his power to bring himself under the effect of the amended motion. The objection of inconveniency, &c. no longer existed. Mr. Keppel's trial put an end to every argument which could be raised on that ground. The senior flag officer, and the thirteen senior captains at the port where the court-martial was to be held, must attend the trial, and decide on the conduct of Mr. Keppel, which circumstances would give an opportunity to the vice-admiral, at the same time, to vindicate his character. The same trial would do for both; the inconveniencies, be they what they might, would be consolidated into one transaction; and the justice of the nation be satisfied; which, he affirmed, after what had passed, could never be effected, unless the vice-admiral was brought to a court-martial. The conduct of the vice-admiral, should he refuse to close with this proposition, would seem to be copied from what appeared in a pamphlet towards the conclusion of the late war, and looked upon, at that time, as the production of an able lawyer, (Mr. Wedderburn) in which it was observed, that if the noble lord who commanded the British cavalry at Minden, instead of demanding an inquiry into his own conduct, had accused the commander in chief, the prince of Brunswick, the disgrace and dishonour, which was the consequence of that trial,

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would have fallen on the prince, and not upon the noble lord.

Lord North said, when he sat at the Admiralty-board, he always understood the powers of that board were merely ministerial.—Mr. Ellis and Mr. Penton said the same.

Mr. Fox said, he also had sat at the Admiralty-board for some time, and the received opinion of the board at that time was, that they had a right to act discretionally, and, as often as occasion occurred, they had always done so, to receive, in some instances, and reject in others.

Sir W. Meredith condemned the conduct of sir Hugh, and expressed his earnest desire, that parliament would openly and decisively interfere to prevent any inquiry. As to the question under discussion, he remembered a particular transaction which happened while he sat at the Admiralty-board, which was perfectly applicable to it. A complaint was made against a captain. Clements, by an officer aboard his own ship, of embezzling stores, &c. The board did not directly determine how to act. The complaint seemed to proceed from malice. At length, though sir Charles Saunders went away, and Mr. Keppel seemed doubtful how to act, he dismissed the complaint; the consequence of which was, that the first lord returned his particular thanks to him and his deceased friend, on the propriety of their conduct.

Mr. Burke, after declaring his intention of giving his dissent to the amendment, entered into an investigation of the propriety of the conduct of the Admiralty-board, which, he affirmed, was the true substantial question before the House. But previous to his argument, he must say a few words of the hon. admiral now absent. He emphatically asked, was this the return he met with, after 40 years painful and laborious service, and after being in ten capital engagements, or important conflicts, in every one of which he had, either as possessed of the sole command, or acting in a subordinate character, acquitted himself with the highest honour and reputation? Was it an adequate return for a person of his rank and consequence, standing forth as the favourite, selected champion of his country, in the moment of danger and difficulty? He desired no return, but that which he had already earned, and was sure of receiving without diminution; a return which it

was not in the power of the Admiralty to bestow, or withhold—an inward consciousness of having performed his duty; of having stepped forward to shield his country from the ruin meditated by an insolent and ambitious foe; followed by the united thanks of his fellow-subjects, the gratitude and esteem of every good man of every party. These were the motives which called Mr. Keppel out into actual service; these were the rewards—and nobler and greater could not be,—which he might count upon receiving.

He then entered into a short view of the action of the 27th of July. The enemy were driven into their lurking hole, where they remained in privacy and dishonour, while the British flag was borne triumphant within sight of their coasts. He confirmed his assertions, by commenting on the account of the engagements that had appeared in the French Gazette, which he proved to consist of an heap of contradictions, absurdities, &c. and the whole taken together, as public information by authority, composing the veriest gasconade that ever disgraced the annals of any country; such as running away under cover of the night, and pretending, that in the morning they found themselves accidentally at the mouth of Brest harbour; and their abandoning the whole of their commerce, in the most critical season of the year, to fall a prey to our privateers and letters of marque.

He begged leave to remind the House, that the noble lord (Mulgrave) who maintained, that the Admiralty-board could only act ministerially, had indeed, in fact, though he presumed not intentionally,—given up the argument. The noble lord's principal defence consisted in asserting, that when charges were specifically made, and were of sufficient importance, the board was compelled to act upon them, and to issue an order for immediate trial; but, adds the noble lord, if they seem frivolous, or the accusation is not of sufficient importance, the board may, and will reject. Is not this at once substituting discretion, for acting merely as an instrument created by law? If the board can deliberate, examine, and decide upon the nature of a complaint, by what is this discretionary power limited? the noble lord has said, that no such power is permitted or created by the statute. If not, then it must have resided in the board all along, and the board was not divested of it by the statute. Should the noble lord deny

the latter, then his exception comes at once to nothing. The board is not competent, in any instance, to judge; or, if competent, the board, in every such act, exercises a discretionary power; the conclusion is clear either way. Every absurdity, villainy, and evil, which malice, rage, or folly, can suggest, is a proper subject to be sent to be inquired into by a court-martial, or the Admiralty-board have the right contended for, that of judging of the magnitude, extent and probability of the charge; the circumstances which brought it into existence, and every other matter connected with it which may enable them to be the means of promoting general and particular justice.

He finally proceeded to consider the nature of the incompetency contended for by the noble lord. This, he observed, must be either natural or artificial; that is, it meant that the Admiralty-board never had the discretionary power insisted upon; or, having it, that power was taken away by the statute. That it had no natural incompetency would, he presumed, be hardly asserted seriously in debate. The clause read by the clerk at the table proved it; and the very evils stated so ably by the noble lord, which the statute was purposely framed to prevent, was the fullest evidence that this discretion existed previous to the Act of the 22d of the late king. If, then, the Admiralty-board was not naturally incompetent, it followed of course, that its present supposed incompetency must have been caused by some subsequent Act; which could be no other than that of the 22d Geo. 2, so often alluded to. Here then the issue lay between him and the noble lord. It was brought upon its true ground, and was narrowed to the single question; has the statute taken away the previous discretionary power existing in the Admiralty-board in every instance? He contended it did not, nor restrained it in a single instance but the one mentioned. The powers of the board remained the same after as before the passing of that Act; if they did not, in his opinion, such was the rashness of those who now presided at that board, respecting their conduct to the hon. admiral, that it was highly incumbent to give parliament and the nation, the most satisfactory proofs, that they could not have acted otherwise than they did without a breach of duty; for if this was not complied with, every evil and misfortune such a precipitate conduct might be productive of, would be laid at their door,

Mr. Attorney General *Wedderburn* allowed the force of the last gentleman's arguments as to the natural competency of the Admiralty; but met his second and third questions upon the ground that the statute had altered the law. In reply to the military officers who spoke in the debate, he observed, that the naval and military establishments varied most essentially in their constitution; that the King was the sole and dernier judge in military affairs, of what was and was not fit to be sent to a court martial for inquiry; whereas his Majesty had nothing at all to do with the Admiralty-board; he could neither, in his own person, promote or arrest any proceeding upon an accusation. There were two modes in which the Admiralty-board could act; one was under the circumstances of the matter in discussion, upon receiving an accusation, which he affirmed they were bound ministerially to comply with; the other, they were vested with a discretionary power, they might, upon good apparent grounds, accuse from their own knowledge, or strong suspicions; and, as in the other case, put the party accused on his trial. Much had been urged to prove that the restrictive obligation on the Admiralty board to act ministerially, without any deliberation or interpositional discretion, was contrary to the pervading principle of the whole system of criminal jurisprudence in this country, and the operative power of the constitution, from which it originated; that our courts, in every instance, had placed some species or other of deliberate power between the accused and accuser, analogous to a grand jury. This, he insisted, was no fixed principle of either our constitution or our laws, There were many instances in which a grand jury could not interpose, and where it would be totally improper that they should; but whether, in the present instance, the Admiralty-board ought to have a power to deliberate and determine upon their own discretion, was not the question; but whether they were actually invested with it? He was free to maintain that they were not; consequently, every argument raised upon the presumed ability that they could, instantly fell to the ground. It had been much insisted upon, that if the board could only act ministerially, every officer, be his rank, or services, or reputation ever so high, would be liable to be accused, and publicly impeached in the face of his country by the very unpleasant ordeal of a court mar-

tial. This argument had little more weight than the last; it clearly imported no more than this; that to avoid the mischiefs which such a restrictive power must permit, more liberal and extensive powers ought to be vested in the Admiralty board. But, as a general principle affecting individuals only, he did not see that the gentlemen of the navy stood single in this instance. Every man, be his innocence ever so evident, was liable not only to suffer under aspersion, but to be brought to trial for the commission of a crime that never entered into his contemplation; and that, too, without any power interposing between the accused and the accuser. Such was one of the inevitable concomitants of living in society; and such was the happy distinction that prevailed in this country, that although every man was liable to be accused, no innocent man was liable to be punished.

Mr. *Dunning* said, he did not mean to rise at so late an hour, had not some law positions, of the most extraordinary texture and tendency he ever heard, within or without the walls of that House, fallen from the learned gentleman who had just sat down. Were it not for his rank in his profession, he should have remained silent; but as that circumstance might have a tendency to impose and mislead, he thought it his duty to pay a little attention to the argument of his learned friend. It would, he believed, be sufficient only to state the argument, in order to shew the gross absurdity with which it was fraught. The learned gentleman sat out with describing the Admiralty-board as a piece of mere official mechanism, without any one power or function but what was imparted to it by the statute. The learned gentleman, taking this for granted, followed it with another assertion, which we are instructed to give credit to upon the same authority. He tells you, that the Admiralty-board is thus mechanized by an act of parliament. I admire the ingenuity of the learned gentleman. He has made one assertion without proof, and expects that you should believe his second assertion, upon the modest claim that the first was incontrovertibly established.

After dwelling some time on the structure of the learned gentleman's logic, he next proceeded to examine the several parts of what he called this curious piece of mechanism; and the degree of impulsive motion supposed to be communicated to it by the act of parliament. The accu-

sation is delivered to the board; the board may or may not examine the charge; for if they do, according to the learned gentleman's argument, it can be to no manner of purpose, farther than that of gratifying an idle curiosity. But examine or not, be the accusation ever so absurd, malicious, or improbable, the party accused must have immediate notice of trial. Now, I would ask the learned gentleman, whether the board, thus mechanically restricted, have in fact any power at all? Might not any accusation be as well delivered to an inferior clerk, or the office-keeper, as to the board? The effect would be equally the same in one event as the other, and the numerous evils arising from such an unlimited licence to accuse, and such an uniform ministerial acquiescence in the pretended obligation to bring every such accusation into actual existence, as the first ministerial step to immediate trial, be past remedy or correction, if the accusation was lodged with the fire-lighter, as with the first commissioners. After saying that the board had always a deliberative and discretionary power to receive or reject, and that the Act of the 22d Geo. 2 neither divested, curtailed, or altered that power, he proceeded to controvert the principles of law maintained by his learned antagonist.

The first, he said, was the position, that there were instances in our laws, in which no interpositional power stood between the accused and the accuser. He defied the learned gentleman to support it by a single case or example. If in all instances a grand jury was not resorted to, there was a discretionary power provided to answer the same end. Such was the case in all criminal prosecutions by way of information, in the court of King's-bench, in extraordinary cases, for the speedy furtherance of justice. There the party accusing was to come into court substantially on the same terms that he would come before a grand jury. He or his counsel must state the grounds of his application for justice; he must give his reasons, and, before any step is taken to admit him an accuser, notice by rule must be served upon the opposite party: after which the parties are heard face to face upon the merits; and the judges, after full deliberation in open court, either grant the application made by the accuser, or, by refusing it, send him back to the ordinary remedy of procuring justice in the courts of criminal jurisdiction.

As to the other extraordinary argument, that every man, professional or not professional, however innocent or respectable, was liable to be put upon his trial, on the accusation of the most worthless of his species; this, he contended, was equally fallacious; for he knew of no instance, from the highest to the lowest criminal act, with which a man was charged, that some power did not interpose between him and his accuser. What he had now mentioned, was already a full and sufficient answer; he would, however, repeat it; that no man could be put upon his trial, till a bill was found against him by a grand jury, or until the accusation brought against him was deliberated upon, either in parliament, or the court of King's-bench, and the probable truth of the charge fully proved, to the satisfaction of those to whom the constitution had delegated this discretionary power. He was astonished to hear such absurdity obtruded upon the discernment and good sense of the House; nothing but the gross texture of the imposition attempted to be put upon it could have induced him to rise; because the question was not that properly before the House; but if no explanation should be given, he meant to make this monstrous doctrine the separate subject of some future day; and pledged himself to prove that the Admiralty-board had the discretionary power he now contended for, and which, in the course of the debate, had been so ably urged by several gentlemen on that side of the House.

The motion as amended was agreed to.

Debate in the Commons on the Army Estimates.] Dec. 14. Mr. Jenkinson opened the Army Estimates for 1779. He moved that the army should receive an augmentation of 14,000 men. He enumerated the whole force thus: 30,000 for guards and garrisons; 39,000 militia and fencible men; 44,000 British in America, Gibraltar, &c.; 4,000 artillery; 8,000 troops, Irish establishment, serving in America; 24,000 foreign troops, serving in America and the fortresses in the Mediterranean; and 14,000 additional companies; if to these were added 78,000 seamen and marines; 42,000 Europeans and regular troops serving in India; 6,000 provincials, and 10,000 on the Irish establishment; the whole force, in British pay, would amount to 300,000 fighting men; a military power considerably greater than had ever been kept up in modern times,

except in the most flourishing period of the reign of Louis 14. The mode of augmenting would, he trusted, be equally speedy and economical; it would cause no new establishment, or bring after it the burden of half-pay; for the augmentation was to consist entirely of private men, who, in the proportion of two full companies, were to be distributed among the battalion and detached companies, in equal proportions, so as to complete each regiment or battalion to 940 men. This mode was to take place immediately in all the regiments in the service, excepting those under the convention of Saratoga; and in them too, when some fortunate event should set them at liberty. He had not the least doubt but he should be able to raise as many men as would be sufficient to make up the establishment for the ensuing year, as the recruiting service had been attended with amazing success, more men having been enlisted last year than during any of the three former years.

General *Burgoyne* could not repress the indignation and concern he felt at the slight thrown on his army at Boston, by excepting the regiments that compose it out of the proposed regulation: upwards of 30 officers belonging to that corps were then in town, and having been some exchanged, some released under the treaty, they were in the capacity of serving their country, if administration did not tie their hands by shutting them out from the common lot of the rest of their brother officers. The soldiers at Boston deserved the most grateful treatment from their country; for however criminal their general might have been, they had done every thing that could be performed by men; they had fought more than once, and were reduced to the sad task of surrendering, only when they were opposed by an army six times more numerous; for at the time that it was reported in England, that he had 12,000 regulars under his command, he had not half that number; and at the time that he capitulated, he was at the head of only 3,500 effective men, and was attacked by an army full 17,000 strong. He assented to the augmentation, because we should want all the men we could raise; but he would not consent that any should be sent to America to continue the war, which he believed could never be terminated with success on our side. He should be happy to hear that sir H. Clinton was to continue in the command of the army; but as it was reported that he was return-

ing home, for not having been properly reinforced, it was proper to know, before we voted an army for America, who was the person to command it; and also, who was the minister who was to have the direction of the war; for, under the present American secretary, no success was to be expected. He then mentioned the private letter which lord G. Germain had laid before the House, and which, it was said, had slipped into the bag without the knowledge of his lordship; and wished the whole of his private correspondence was laid before the House, that a fair inquiry might take place into his conduct, and that of the noble lord.

Mr. *Jenkinson* declared that he had not the least intention of throwing a slight on the army at Boston; his only motive for leaving the regiments that composed it out of the regulation proposed, until they shall have been released, was, that the public money which should come to their share for raising recruits, should not be raised at that time, when it must remain useless in the hands of the paymaster-general, as no recruits could be sent to them in their present situation.

Lord *George Germain* said, he was sorry that the hon. gentleman's constant digression from the business before the House, to his own personal concerns, made it necessary for him to trouble the committee upon a subject foreign to the question on the table. When the papers relative to the northern expedition had been laid upon the table, he really did not know that the letter, called by the hon. general a private letter, had been among them; and yet he would say, that, if he had known, he probably would not have laid it aside, as he deemed it an instrument more of a public than a private nature; and if the House should think proper to have the whole of the correspondence brought before them, he would not have the least objection. With regard to the person who was to have the command of the army in America, he knew of no other than sir H. Clinton; nor had that officer desired to be recalled in disgust, for want of reinforcement; on the contrary, in his last letter, in which he asked leave to return, he said his aid de camp would explain his motive for it, which was, that he wished to state his ideas of the future conduct of the war in person; and that if leave should be granted him to come to England, he would be ready to return to his army in a week after he should have

conferred with administration. With regard to his continuance in office, the very moment he could learn that the House wished to see him retire, he would lay down his employments with pleasure; and if the hon. general could find a pleasure in seeing him resign, he should certainly have that pleasure, if the army now in America should be ordered to abandon it. As to reinforcements which gentlemen apprehended were to be sent to America, he knew of none; none were ordered for that service, except the recruits, which were to fill up the vacancies of the regiments.

Lord *Adam Gordon* approved of the plan for completing the regiments; but wished to learn how ministers intended to raise the men; for the country had been already so drained, that it would, in his opinion, be a very difficult matter to raise the additional 14,000.

Mr. *Fox* was against pursuing the war in America. He believed there was a fatality in the American war which corresponded with that of Xerxes against Greece. Lord *North* he compared to the minister of that prince, who vindicating himself, might have said, "I promised to build a bridge over the Hellespont; I built it: I promised to sail through Mount Athos; I sailed through it: I promised to supply your army with all necessaries; I performed my promise: and yet the whole army, of near two millions of men, mouldered away; Persia was stripped of its inhabitants, and its resources exhausted; and Greece, notwithstanding, maintained its independence." The army in America was a weight on the nation, as it could do nothing there for the public good, where the people were so firm in support of the new government; but if the troops were withdrawn, and sent upon an expedition against some part of the dominions of France, we should reap important advantages from their operation, even towards the reduction of America, which he contended was not to be conquered but in France. He positively charged administration with having sown divisions in the fleet, by bringing a prosecution against a man they knew to be innocent, on a charge the most frivolous and unjust. While he was up, he could not help adverting to what had fallen from the noble lord in a former debate; because it militated so improperly against the constitutional principles of this country, and by which he seemed to shelter himself behind the

throne; throwing all blame from himself as minister, on the sovereign, as his master and director; and insinuating, what cannot constitutionally exist in this country, that the King was his own unadvised minister. He reprobated this language, as it precluded all debate. No member in that House could, after such an expression, charge the minister with any blunder, guilt, or inattention whatever, nor impeach any measure, however dangerous and absurd.

Governor *Johnstone* said, he saw no difference between withdrawing the army, and acknowledging the independence of America; the consequences of such a step could not but be obvious: Nova-Scotia must be attacked, Newfoundland invaded, Florida over-run, and Canada become subject to the Congress: the West Indies could be of no use to us; as the trade from the islands being obliged to pass through the Gulph of Florida, for fear of the French at Cape Nicola Mole, the Gibraltar of the West Indies, must be exposed to and destroyed by the American privateers, if we had no port or fleet there to protect it. Another reason for not withdrawing the army was, that the new governors of America, freed from an apprehension of the English, would turn their minds towards strengthening their government, which at present was rather in a tottering situation; for he would be bold to say, that the affections of the people had been greatly weaned from Congress, from the moment that body had altered the form of their new constitution; the abjuration oath imposed on all electors in the colonies was stretching a prerogative which the people had never imparted or sanctified; and so great was the discontent in the province of Pennsylvania, that out of 32,000 electors who voted for the first Congress, only 600 and odd had taken the abjuration oath, to qualify them to vote for another Congress. In the province of New England, the Whigs and Tories were so nearly equal in the provincial assembly, that the Whigs had only a majority of two; if the army, which was to support those who might avow their dislike of the ruling powers, was to be withdrawn, the dissatisfied, finding themselves abandoned by Great Britain, would submit to the armed tyranny of the Congress, which, by military force and fear, would establish their dominion so firmly over the continent, that nothing could shake it. The reduction of America had never been impracticable;

and the force sent out to effect it had been equal to the undertaking, if properly managed. He did not know to whom he should attribute the planning of the southern expedition; but to that expedition, and the evacuation afterwards of Philadelphia, he set down the ruin of general Burgoyne's army, and our failure of success. He differed, too, from that officer in the numbers of the enemy he had had to engage: previous to the affair of Bennington the numbers had been nearly equal; nor would he in all probability have had an army of 17,000 men to fight at Still Water, which brought on the Saratoga convention, if the rebels had not been encouraged by their success at Bennington, and by the news of the southern expedition, which freed them from their alarms. As to an invasion of France, the gentlemen then in the House who had been on the expedition against St. Cas, could best judge of the probability of success in such an undertaking. An invasion of the French West Indies would be attended with little more success. Hispaniola was so strong that 20,000 men could not possibly reduce it; the contest was now widely different from what it was with France in the beginning of the late war; for then we were entirely masters of the sea, whereas at present the dominion of that element was disputed by France. Upon the whole, he could not but give it as his opinion, that the war ought to be prosecuted in America; that it was not impossible to terminate it with success; that this country had resources sufficient for the purpose; and that to withdraw the forces from America was nothing else than giving up that independency for which we had been contending for so many years. He agreed, that no very sanguine hopes were to be entertained of success in the American war, whilst the present secretary had the direction of it. The hon. general, however, had but little ground of complaint against his lordship, for his army had been most amply supplied with every thing necessary for the expedition. As sir H. Clinton was a favourite with the hon. general, he might rest assured, that no barbarities would be committed in America while that commander had the direction of the army, and that no system of cruelty had been intended by the commissioners, when they published their proclamation.

Lord *Howe* charged the noble lord at the head of the American department with acting sometimes on his own account, in-

dependent of every other member of administration, and instanced his signing an order to New York, authorizing the people there to fit out privateers and letters of marque, which tended to dismantle the fleet, and render it inferior to that of France.

Mr. Fox, in reply to governor Johnstone, said, he never pointed at Old France, nor her East or West India possessions in particular; all he meant to say was, that it was impossible that in her wide extended dominions, France should be invulnerable in every part; where she was least so, was the business of administration to discover. One thing he would point out, and against which we should direct all our force, the navy of France: in the destruction of her marine we might see some hope of recovering America; but while our army remained in that country, we were to expect nothing from its operations. On the continent of Europe, it might be employed; there we might contend with France, in a manner that would make her feel that her own consequence was at stake. But the old Whig system of alliances on the continent had been given up, and we were left to fight all our battles by ourselves. If these alliances were renewed, France might then be taught, that rashness, not prudence, had made her enter into the American confederacy. America might then be considered as a mistress for whom France and England were contending, and who was to be won by the bravest. America, he said, might be won in Europe, while England might be ruined in America. He made some observations on the conduct of America, but would not give his opinion either way; for he was not now equally clear as he was last year, because, in the present state of our affairs, it would tend to sink our reputation, to make a tender of what would be treated with scorn and contempt. The French treaty had deprived us of the advantages an acknowledgment of American independence might have brought after it. Upon the whole, he could not but condemn the folly of carrying on the war in America, with a smaller number of men, when a greater had failed to attain the desired object.

Sir William Howe said, that an hon. gentleman had asserted, that the southern expedition had been the chief cause of all the subsequent disasters; he hoped the hon. gentleman would give his vote for an enquiry how that measure came to be

adopted. Such an enquiry was an act of justice to the nation, and to the individuals concerned; and he took that opportunity of declaring his expectation, that it would be one of the first subjects of public discussion after the Christmas recess.

Lord George Germain declared, however inadvertently he had mentioned a great personage, in a former debate, it was not his intention to skulk behind the throne, but fairly to stand forth responsible for his conduct; at the same time repeating that whatever he had done, was with the advice and approbation of the other branches of administration. He was sorry the House should permit gentlemen to deviate from the old parliamentary rule of never mentioning what had passed upon a former occasion. The reason was obvious. If any thing improper was said, then was the time to call to order. When the words were fresh in memory, they might be either acknowledged, or their meaning explained: but deferred to a distant day, it was impossible to recollect precisely the identical words, or their full import. He was ready to meet an enquiry; but he did not mean to move for one, because he thought it would be indecent in him to stand in the place of an accuser of others, when he had heard it so often alleged in that House, that the failure of success in the American war was solely imputable to himself; but if any gentleman would make a motion for that purpose, he pledged himself that it should meet with his hearty concurrence.

Mr. Ellis said, there was a magnanimity in this country, and sufficient resources to enable her, by a proper exertion of the one, and application of the other, to extricate herself from all her difficulties, and to put an honourable termination to a war founded upon the strongest necessity; a war which could no otherwise be concluded, with any regard to the reputation and interest of Great Britain, than by vigorously opposing the united powers of the rebellious Americans, and the treacherous French. Much had been said about withdrawing the army from America. Some gentlemen were for it, but he was not. Much had also been said about acknowledging the independence of America; and even that measure had its advocates; but he was not one of them. He would never acknowledge her independence; and he thought the first measure included the last, which was his great objection to it. To acknowledge the independence of

America, however palliated by expressions of prudence and policy, was, in his opinion, weak, disgraceful, and dangerous.

Mr. *Burrell* said, he was far from acknowledging, even were the fact true, that because a large army, ill-managed, had failed to conquer America when in her powerful state, that a less force, well-directed, might not be successful when America was much weakened. He said, that the two propositions of withdrawing our fleets and armies, or acknowledging the independency of America, were in effect the same. And after having contended that the pressure of political affairs required the greatest exertions that this country was able to make, adverted to what had been said, in the course of the debate, relative to the court-martial ordered to be held on the conduct of admiral Keppel; declaring, he should be as willing as any other gentleman to join in an address to his Majesty, to bestow every mark of honour on the conduct of the hon. admiral, whose reputation was deservedly great; but that the charge alleged against him was of so serious a nature, that attempting to interfere, and to take the business out of the hands in which it was at present placed, might rather tend to prejudice the admiral's fame: and, by depriving him of the opportunity of proving his innocence, confirm that stigma, which it was so much the object of his heart to remove in the most effectual manner.

Mr. *Burke* declared that the hon. gentleman who spoke last but one, had addressed himself chiefly to the passions of the House. This he thought a very improper moment for such an address; he preferred speaking to the good sense and reason of those who heard him. It was an easy thing, and to the ears of most Englishmen, a very satisfactory one, to boast of the magnanimity and the spirit of this country. Such arguments caught the passions, and while they proved nothing, tended to lead astray the judgment and bewilder the senses. Until it was made evident to his understanding, that with thirty millions of debt, which we had incurred by the American war, we were richer than before, and until he was convinced that we could do more with a small force than we had been able to effect with a large army—the best appointed that the world had ever seen—he would not agree that this was a moment for us to pursue the same system which had put us in such peril, or to continue a war in America,

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where all our schemes of conquest had been defeated, and where so much of our treasure, and so much of our national force, had been sacrificed and thrown away. He contended, that great as our resources might be, it was the certain way to exhaust them altogether, to apply them to the furtherance of a design, which experience ought long since to have taught us, it was impossible for us to accomplish.

With regard to avowing the independency of America, gentlemen looked at the position in a wrong point of view, and talked of it merely as a matter of choice, when, in fact, it was now become a matter of necessity. It was in this latter light only that he regarded it—in this latter light only that he maintained that it was incumbent on Great Britain to acknowledge it directly. On the day that he first heard of the American states having claimed independency, it made him sick at heart; it struck him to the soul, because he saw it was a claim essentially injurious to this country, and a claim which Great Britain could never get rid of: never! never! never! It was not, therefore, to be thought that he wished for the independency of America. Far from it. He felt it as a circumstance exceedingly detrimental to the fame, and exceedingly detrimental to the interest of his country. But when, by a wrong management of the cards, a gamester had lost much, it was right for him to make the most of the game as it then stood, and to take care that he did not lose more. This was our case at present; the stake already gone was material, but the very existence of our empire was more, and we were now madly putting that to the risk. The argument of the hon. gentleman was in other words this: "I have lost my Lincolnshire estate—I have lost my coal-mines in Northumberland, and my tin-mines in Cornwall, but I have still left a goose common and a duck-decoy, and I have great magnanimity." It was exactly the language held by those who had gained the estates of minors by dice and hazard. "You lost your estate at the gaming table—go there again; there it is that you must look for another estate!"

He adverted to what had fallen from governor Johnstone, relative to the folly of giving up the independency of America, and the still remaining power of this country to conquer and recover her. The hon. gentleman had declared, that the majority of the people of America were

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still at heart the friends of this country; that they longed most ardently to avow their sentiments of loyalty, and return to their allegiance. The hon. gentleman had said further, that the Congress were not chosen by the united voices of the people of America; that they held their situation by force, and that their tyranny was intolerable; and the hon. gentleman had mentioned, that the vote of independency was carried by a majority of two only; and that in the province of Pennsylvania where he was, there he was sure we had 30,000 friends. If these things were so, how happened it, that when we had at Philadelphia an army the finest ever seen, of 18,000 men, to support the 30,000 provincials, who wished so well to Great Britain, that the 30,000 did not avow their loyalty to Great Britain, and did not deny the authority of the 600 tyrants who formed the monster called Congress, which held them in such oppressive subjection; if 30,000 dared not oppose the usurped power of Congress, with such a powerful support at their back, was it likely that they should hereafter do it, when we were not in the heart of them? The hon. gentleman had also said, that in Massachusetts's Bay, which was originally the centre of opposition to Great Britain, as it was the head quarters of rebellion, the people were divided into powerful factions, equally conducive and promising to the interests of this country; one party opposing Congress generally, and the other opposing Congress particularly, on account of the alliance they had made with France. Surely, if this had been as the hon. gentleman stated, his Majesty's commissioners would have been more successful! The proposals they had made were sufficiently humiliating on the part of Great Britain, sufficiently advantageous on the part of America.

After dwelling for some time on the argument he had been now commenting on, he turned to the subject of resource. Enterprize and spirit, he observed, were good qualities in the field, but bad ones in the cabinet. Prudence and a calm review of the financial powers of a country, were the first objects of a statesman. It was a mad appeal to the passions of a people, whose resources were visibly decaying, that would carry them through where almost every thing depended upon the real sinews of war—men and money. He proceeded to shew, that we had exhausted 30 millions in the progress of the war hitherto; that we should have occasion

for nine millions for the service of the ensuing year; and that we had already voted a land-tax of 4s. in the pound. He compared this with the financial situation of France, introducing the conduct of M. Neckar, and the words of the edict lately registered by the parliament of Paris; from which it was evident, that France, to put her navy on a respectable footing, only wanted 800,000*l.* and that she could raise that sum with the greatest ease, and without imposing any new tax upon her subjects. He compared the different necessities of the two kingdoms, and the different objects of attention, in the eyes of each, giving France the credit and advantage greatly, both in point of power and finance, and wisdom of application to her resources; deducing from his arguments on this point an inference, that by going on with the American war, we were actually endeavouring to invert the order of nature, to change France into an island, and to render Great Britain continental, by suffering the former to acquire a great naval strength, while we were establishing a large military force. In the course of his speech, he entered into an ample investigation of the propriety of America joining with France, and contended, that in all ages and in all countries, it was perfectly natural for revolted subjects to form an alliance with that power known to be most inimical to the state, from whose supremacy they had withdrawn, and to whom the destruction of the interest of the former parent state was obviously a matter of desirable advantage; proving his arguments on this head, by enumerating from history a variety of instances in its support. He particularly mentioned the interference of Great Britain to preserve the Low Countries from falling into the hands of France, and to secure them to the House of Austria; and justified both France and America for their conduct in this respect, on the broad ground of policy; expressing his astonishment, that any set of men should be so weak as to talk either of the treachery of France or the ingratitude of America, when they considered that America took this step after she had been forced into independency; and that France acceded to it, when she saw that Great Britain had failed in her efforts to conquer the United States, and when she had such extensive and lucrative offers made her by the Americans, provided she would assist them in their endeavours to establish their independency. He concluded, with urging

ministers to attack France formidably; to vote, if they could procure the men, a still larger number than those moved for by the right hon. member; but to employ them in any other service than against America.

Governor *Johnstone*, to explain, declared the hon. gentleman had either mistaken or misrepresented what he had said. With regard to his assertion, that a great majority of the inhabitants of Pennsylvania and of New England were heartily tired of the tyranny of the Congress, and wished most ardently to shake off the yoke of their new masters, he repeated that it was a fact, not only known to himself, but to every gentleman who had been lately in America. He then proceeded to shew, that the powers usurped by Congress were not legally granted them, even according to the new constitution of America; that the very articles of confederation, under which they assume this authority to enter into treaties with foreign powers, were not recognized by the several provinces in their assemblies and conventions; and lastly, that the treaty with France was not to this hour ratified by the consent of those assemblies of the thirteen states, many of the inhabitants of each province holding it in utter detestation and abhorrence. He concluded by giving it as his solemn opinion, that it would be folly in the extreme for Great Britain to admit the independency of America; that she was much weaker than she had been in preceding years of the war; and that there still remained a probability of subduing her, and re-uniting her to this country, provided we planned our measures wisely, and executed them with vigour and unanimity; without which last, he made no scruple to pronounce, that all our efforts to subdue America must prove ineffectual.

Lord *North* said, the hon. gentleman who spoke last seemed to suppose two things, which were ill-founded, that the commissioners miscarried on account of the orders sent from home to evacuate Philadelphia; and that administration seemed desirous to throw blame upon the commissioners for not performing the objects committed to their care. To the first, he could answer, that the measure of evacuating Philadelphia was neither rash nor impolitic, but had been adopted upon mature deliberation. On the second charge, he would observe, that nothing ever fell from him, nor he believed from any of the

King's confidential servants, which could tend in the least to justify the assertion. He had attended to the act, the objects of the commission, the powers delegated by it, and the instructions which accompanied them, and though he could not, informed as he was at present, directly affirm, or bind himself in future to say, that all the powers vested in the commissioners were strictly exercised and pursued, he could fairly declare, that no instance fell within his observation in which they had been departed from or neglected. The same hon. gentleman, for he could not call him his hon. friend, had asserted that America was divided; that the authority and powers exercised by the Congress had been grossly perverted and abused; and that, as yet, the treaty of alliance with France had never been ratified by the several legislative bodies, acting under the denomination of assemblies or conventions. He was perfectly satisfied of the truth of what had been thus asserted respecting that point; and such being the fact, he should argue upon it, in reply to whatever had been objected from the other side of the House, and the measures proposed to be substituted to those which he was about to submit to public consideration.

The measures he alluded to were, the declaring America independent, or instantly withdrawing our fleets and armies from it. Before he should give his reasons, he begged leave, he said, to observe, that they exactly met in the same point. Withdraw your armies, America is instantly independent. Declare her independent, and your fleets and armies remain there for no purpose. But allowing the conclusion, drawn by the advisers of the measure for withdrawing, and allowing likewise the main argument for withdrawing, that France and America are firmly knit together by treaty and alliance, what would be the probable consequence, but the actual loss of the possessions we have in that country, of those provinces which acknowledge our sovereignty, and prefer a connection with the parent state to any species of political union with their brethren? What would be the fate of New York, Rhode Island, of Canada, Florida, and Nova Scotia? Certainly to fall under the dominion of the revolted colonies, or be parcelled out, in certain proportions, between France and the revolters. But to pursue the idea the full length it could be considered, leave a sufficient defence for those places, and employ your force

with vigour and resolution, both in defending our own possessions in the sugar islands, and in making attacks upon those of France. Unless America were first brought to a sense of her duty, such a plan of hostility, though practicable in point of execution as to conquest, could never answer any purpose; for if France and the colonies still continued allied, it would be impossible to protect our trade, or bring home the produce of either our own or the conquered islands.

The estimates now voted, and the measures proposed to be engrafted upon them, brought the arguments of both sides within a very narrow compass. He should take whatever had been acknowledged on the other side of the House, or what had not been contradicted, as so much fairly admitted; as the data from which every conclusion must be drawn. It was granted, that great differences and dissensions prevailed in America; that the Congress had abused their power; and that the political and hostile connection with France had not yet received that species of assent which was essentially necessary to constitute a real and binding compact on the people of America. It would likewise be allowed, he believed, that the people there were suffering under the most pressing calamities of war, domestic misery, and political oppression of the usurped powers of government. He appealed to every gentleman present, whether such a state of things, contrasted with the blessings of peace, accompanied with constitutional freedom and dependency, did not give the best founded reasons to expect that the colonies, either separately or conjunctly, would co-operate in measures for getting rid of those oppressions, and dissolving such a system of usurpation and tyranny? If, then, on this indisputable view of the internal state of America, the probabilities were so strong as almost to amount to actual proofs, had not Great Britain every reason to expect, that the colonies might be brought back into the bosom of the parent state? Here his lordship presented a pleasing view of the strength and resources of this country, which he brought in counterview to that of America, whose finances were ruined; whose armies were daily crumbling to pieces; whose officers were disgusted; whose revenues were mortgaged, almost beyond the power of redemption; and whose government was administered in such a manner, as to create the execration of almost every man under

it, whether he supported it upon principle, or by compulsion. His lordship exhorted the House to steadiness and resolution; and contended, that we were fully equal to all the purposes of offensive and defensive war; and that having the means of vindicating our honour and asserting our rights against the attempts of both our domestic and foreign enemies, nothing remained, but to employ those means vigorously, judiciously, and decisively.

This brought him to the next point, the general suggestions that the force could not be effectually employed, while our ablest officers, naval and military, were daily ill-treated and disgraced. An hon. gentleman had taken an opportunity of censuring administration for their conduct towards admiral Keppel, in supposing that the Admiralty-board had acted in a partial, arbitrary, and improper manner. Before he delivered his sentiments on the propriety of that conduct, he declared, that he by no means deemed himself responsible. He was not, nor could he be consulted upon it. The affair arose in another department, with which, in point of official business, he was totally unconnected. Whatever, therefore, might be the issue of the inquiry, he thus publicly laid in his claim not to be considered as any partaker in its consequences. Within this reservation, however, he was free to declare, as a matter of opinion, that the Admiralty-board were perfectly justifiable in what they did. A gentleman of great personal reputation, goes to the Admiralty-board and delivers in a charge, consisting of several distinct accusations, against his superior officer, for misconduct in the day of action. The hon. gentleman, when insinuations were thrown out, that the matter originated in a previous concert, and a design to ruin the character of the party accused, rose in his place, and solemnly affirmed, that he never communicated the most distant hint even of his intentions, till he delivered in his accusation in writing to the board. Under such circumstances, it was impossible that the board could reject the charge. It would have been criminal, had they acted otherwise. They were bound to a faithful exercise of the powers vested in them by the act of parliament; if they had rejected, it would have been a denial of justice; and even granting that a latitude upon a particular occasion might be justifiable, he was certain, that the exercise of such a latitude as that contended for by those who

censured the conduct of the Admiralty-board, would lay a precedent that might be productive of evils which could not be balanced by any motives, however strong, which were urged against the inquiry.

On the general charge made, that nothing could succeed in the hands of the present ministers, he should always refuse to admit the truth of any proposition of the kind, while it was only supported by mere assertion. Several gentlemen had likewise called for an inquiry into the conduct of ministers; and some had pointed their censure directly at the noble lord near him (G. Germain) as the principal author of all our miscarriages. An inquiry into the conduct of ministers, no person in that House more ardently wished for; for he was conscious, whenever that event should happen, that it would be found he had discharged his duty to the best of his abilities. It had been insinuated that ministers recommended measures not their own; and that in the day of examination they would endeavour to shelter themselves under a certain great authority. He now disclaimed any intention of resorting to any such subterfuge. The measures pursued were his measures, in concert with the rest of the King's servants. He assisted in advising them, and looked upon himself responsible, in every possible view, as far as any minister can be responsible, for the measures he advised. If they were founded in propriety, justice, and sound policy, he expected to share the merit; if they were weak and pernicious, he wished to partake of the blame or censure attending them. As to the personal attacks made on the noble lord near him, relative to the measures respecting the war, there, if censure was due, he laid his claim for part; they were measures of state, originating in the King's counsels, and were of course no more the noble lord's measures than they were of any other member of the cabinet: the crimes or faults, or errors committed there, were imputable to the whole body, and not to a single individual who composed it.

Mr. Fox said, the noble lord called loudly for proofs of whatever was asserted in argument; and yet he had been endeavouring to shew, that the conduct of the Admiralty-board was perfectly justifiable in ordering his hon. relation to a court-martial; but he forgot to adduce a single argument, or tittle of proof, in support of his opinion, unless mere round assertion was to supply the place of it. The noble

lord had, in his opinion, furnished the strongest argument imaginable for discontinuing the war in America. He would not enter into the detail of what was proper to be exactly done upon the occasion; but if the people of America, both in their subordinate legislatures, in lesser societies and descriptions, and collectively, were tired of the tyranny and oppressions they suffered, and were averse to a friendly, political connection with France, war appeared to him a most extraordinary mode of improving this disposition, for the purpose of promoting union of affection, and mutual benefit. He reminded the noble lord, that he had mis-stated his words; for he had not asserted that administration generally had sown dissensions among the officers employed in the public service, but that one of the executive branches of government had acted in that improper manner, he meant the board of Admiralty; and he still maintained his former assertion, that the party-spirit which now so fatally raged in the navy, was fomented and encouraged by the conduct of that board. As the noble lord in the blue ribbon had agreed to share the guilt with the secretary of the colonies, he was not a little amazed to hear him disown having any share in that of the first lord of the Admiralty; it was a clear proof, however, of the treatment his noble relation met with, from the conduct of the first lord not being perfectly approved of, when even the minister, who was so full of plausibility, and so ready with excuses at all times, for the grossest blunders of himself and his brethren in office, was put to the blush, and at a loss for a syllable to say in his defence, or to urge in palliation of the partiality, visible throughout the whole conduct of the Admiralty-board, from the first moment the hon. admiral accepted of the command.

Sir Wm. Meredith recommended the withdrawing the troops, or at least the not employing them in hostile operations against the colonies. He maintained that the withdrawing the troops, and the employing them in effective operations against the common enemy, were two propositions extremely different, if the assertions and information of the noble lord were to have their intended weight; for it shewed plainly, that the people of the colonies, thus described, were no proper objects of national resentment, or of being coerced into submission by force of arms; but were intitled to our affection, not correction.

These people had taken up arms to defend what they deemed their rights, the means used for the attainment of the object had been perverted for the purposes of inflicting similar oppressions to those they took arms to resist; in the mean time, offers little short of their original claims had been made to them by this country. Such being the present state of affairs, the option was now at hand, and, in his opinion, only one impediment stood in the way of their immediate embracing it. The prayer of the Congress, the united wishes of the people in the several precedent stages of the contest, before the declaration of independency was, Put us into the situation we were in previous to the year 1763, that is all we desire. Instead, therefore, of carrying fire and desolation throughout the colonies, and by that means uniting from principle and motives of self-preservation, both in the present moment and in future, come fairly and openly to an express declaration on the subject; repeal all the fatal Acts passed since that period; and in the present presumed disposition of the people there can hardly be a probable doubt but that the colonies will return to their former prosperous, and envied situation.

After some further conversation, the Resolution was agreed to.

Debate in the Commons on Admiral Keppel's Court Martial Bill.] Dec. 16. Admiral Pigot rose, and spoke very humanely on the bad state of health under which admiral Keppel had for some time laboured. He said it had alarmed his friends extremely, but that his anxiety to serve his country had prevailed over every other consideration, and had induced him to leave his chamber, to take upon him the command of the fleet in the moment of public danger. That now, by a most unaccountable change of affairs, that officer, who put his health and character to the hazard, for the sake of saving his country, would be obliged, in a very short time, to hold up his hand as a criminal, and to stand his trial for his life. Having very emphatically described this reverse of fortune, he adverted to the nature of a court-martial held on board a ship, and shewed, that from the extreme heat occasioned by so many persons being confined so long in one cabin, from the unwholesome damp which their breaths gave rise to, and from the dangerous circumstance of going in an open boat from the ship to the shore dur-

ing the sitting of the court-martial (which most probably would continue six or seven weeks), the admiral would run the risk of his life, especially when it was considered that the trial would unavoidably take place in the severest season of the year. As the life of so worthy an officer was of great consequence to the public, and as that House could not shew him too much attention, he therefore moved for leave to bring in a Bill "to enable the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral, for the time being, to appoint courts-martial to be held on officers either on board ship or at some convenient place on shore, as to them should appear necessary and expedient."

Lord Howe said, every thing that House could do in favour of admiral Keppel, provided they did not injure his honour by their proceedings, was incumbent on them. His lordship seconded the motion; but doubted whether there was time sufficient to pass the Bill before the adjournment.

Mr. Montagu said, there were precedents of a Bill being brought in, read a first and second time, committed, and read a third time, all in one day.

Lord North had no objection to a Bill specially applying to the case of the hon. admiral, at least he should not oppose the bringing of it in; but he never would consent that the subsisting law should be changed on light grounds.

Leave was given to bring in the Bill.

Dec. 17. Admiral Pigot brought in the Bill. It was read a first and second time, and then committed. Several inconsiderable amendments were made, and then the chairman asked, if any gentleman had any clause to propose?

Mr. Gould (Judge Advocate) desired it might be considered, that, under the Act for regulating courts-martial in the navy, the captains who try the cause are not permitted to leave the ship till the trial is over; because they are not to mix with the world, or have any communication with it, while they are sitting in judgment: he therefore hoped some provision would be made similar to it.—After a slight debate on the subject, the Attorney General drew up a clause to the same effect, which was inserted.

Lord Mulgrave hinted that the military academy in the dock-yard at Portsmouth was the place thought of, and which he

imagined would be liable to no objection, as there was a commodious hall belonging to it, and proper apartments for the officers who were to be the judges.

The *Solicitor General* next moved a clause, tending to grant a power to the court, of excluding strangers at discretion, for the better preserving order and decorum at the trial. This was opposed, and in the end withdrawn.

The *Speaker* said, the court would of course have a discretionary power to prevent such a crowd as might interrupt the trial; courts of justice always had; therefore no provision was necessary; and any restrictions calculated to exclude persons of any denomination, would be contrary to the first principle of the English law. The doors of all courts of justice, as well as places of public worship, must be open; and all his Majesty's subjects had an equal right to be admitted, as long as room could be found for them without incommoding the court.—When the Bill had gone through committee,

Admiral *Pigot* gave his reasons for bringing it in, out of respect to the preservation of so valuable a life, which the public might one day want again. He then recapitulated the services admiral Keppel had performed for his country in the last war, and concluded with some professional remarks on the action off Ushant. He said the admiral could not have acted otherwise than he did; the French for four days avoided coming to an action, and if our admiral had attempted to draw up his fleet in the usual line of battle, he could never have come up with them at all, they were so much to windward of him; and what would have been said, if he had returned into port without exchanging a shot? The whole country would have been in an uproar and confusion.

The Bill was afterwards passed.

Debate in the Lords on Admiral Keppel's Court Martial Bill.] Dec. 18. As soon as the Bill was brought from the Commons,

The Duke of *Bolton* rose, and moved that it be read a first time. His grace observed, that the Bill had gone through the other House, and received its sanction through its respective stages in one day. It was a mode of proceeding, he acknowledged, unusual, but not unprecedented; for an instance had happened, in the course of the last session, and on some

other occasions, in which a Bill had been suffered to go through its several stages in one day; the motives for bringing in the Bill carried along with them such reasons for dispensing with the common forms, as would render any further explanation unnecessary. It was his intention, therefore, if no special reasons were urged to the contrary, after his present motion should be complied with, to move the other stages of the Bill that day.

The Bill was then read a first time; after which the duke moved the second reading.

The *Lord Chancellor* objected to the motion. He said, it was a standing order of that House, that no Bill, without very special reasons, should go through more than one stage in one day: to depart from that rule, without the full assent of that House, which in fact would amount to a rescinding of the standing order, was what, as long as he had the honour of presiding there, he would never consent to. In the first place, the necessity pleaded, in his opinion, did not exist; nor was there any communication from the other House whatever; so that he was totally ignorant of the grounds of the necessity. He must likewise add, that the change made in a law of long standing, and which had been framed on motives of the soundest policy, ought not to be asserted to in the manner proposed. He should therefore oppose the second reading.

The Duke of *Bolton* was ready to agree that a standing order could not be dispensed with, without an universal assent; and therefore could not say a word more in support of his motion. He had adverted to that rule when he first rose, and was ready to acquiesce. Such being the case, he would move the second reading to morrow, after which he should move, that the Bill be committed for Monday. On that day he was determined to propose some alterations, on which account he should move, that the Lords be summoned for Monday next.—Which was agreed to.

Dec. 21. The Duke of *Bolton* moved, that the House do resolve itself into a committee on the Bill. The committee being accordingly formed, his grace proceeded to shew several reasons why he thought the cause whence the necessity of the said Bill arose, had originated in the most factious motives. He observed, that the Admiralty-board acted in a most rash,

partial, and precipitate manner; and had given just cause to the public to suspect, that they grossly abused the powers with which they were invested by the law. He proceeded next to descant on the personal conduct of sir Hugh Palliser, and said his accusation was the effect of envy, malice, and revenge; but was called to order by

The *Lord Chancellor*, who remarked, that the question before the House was in what manner a Bill, which had come from the other House, and had received a second reading here, should be modelled, if thought necessary; or if no alteration were necessary, to let it pass under the form in which it appeared. He presumed, that every lord present at the second reading, had approved of the principle of the Bill, otherwise they would have testified their disapprobation of it in that stage. For one, he included himself in that number; and therefore was resolved not to oppose the principle of the Bill. When he said this, however, he begged leave to remind the noble duke, that it was both disorderly and indecent to introduce extraneous matter into the debate; extraneous, because the House had no cognizance of either the accusation made by sir Hugh Palliser, or the probable truth of that accusation; indecent, because the assertions of the noble duke went to a constructive charge of criminality against the accuser, and the Admiralty-board. He thought that such a mode of conduct was not only unfair and ungenerous, but would operate directly the reverse of what was intended, and hurt that cause it was meant to serve. He urged farther, that he had the honour of knowing the honourable person who was the party accused; and was well convinced, that nothing could possibly be more offensive to him, than any thing which might bear the most distant appearance of a pre-judgment of the real merits of his cause, or lead the public even to suspect, that it was intended that extrajudicial opinions should have any influence upon those who were to decide upon his real grounds of justification.—His lordship then proceeded to take a view of the Bill, and the object proposed to be attained by it. As to the Bill, he would be better pleased that it had been framed upon general principles of expediency, than framed solely for the purpose of applying it to a particular case. It would leave an opening for similar applications, and the defect in the law, if any existed, would still remain. But, no op-

position being made to the principle of the Bill in either of the preceding stages, he was not now at liberty to oppose it. Under the reservation, then, that the Bill was a proper Bill for the purpose for which it was framed, namely, on account of the precarious state of health of the party to be tried, he should, in the course of the committee, propose such alterations, as appeared to him correspondent to the spirit of the Bill, and move to leave out whatever seemed to be an unnecessary departure from the professed object of the proposed remedy, or went to supersede the existing law in any other particular but that in which it was avowed.—Before he proceeded farther, he begged leave to make a few remarks upon the preamble. The preamble states, that Mr. Keppel's state of health, and the severity of the season at which the court-martial is to be holden, &c. are the grounds for altering the law, and changing the usual place of trial from shipboard to shore. By the little he could learn of the general usage of parliament, and from the knowledge he attained by being for several years a member of the other House, he always understood, that when a preamble stated facts, as a motive for changing an old law, or for applying a remedy in any given instance, the facts were always proved, and the House in which a Bill took its rise sent a transcript of the evidence, or made some communication sufficient to satisfy the doubts of the House to which it was sent. At present their lordships neither had the proofs, nor had they received any communication whatever which might answer as a substitute for them; consequently the Bill, under its present circumstances, wanted not only the sanction Bills of this nature called for, but one of its most substantial requisites. If, on the other hand, the preamble had stated generally, that the mode of holding courts-martial on shipboard were found to be inconvenient, and that a power had been vested in the Admiralty-board, pursuant to this general assertion, it would be competent for parliament to delegate such a power. Here the case was different; Mr. Keppel was described to be in a bad state of health; the Bill proceeded on that idea, and provided a particular remedy for the purpose of preventing the probable inconveniency which might arise from that circumstance, without adducing a syllable of proof to satisfy their lordships of the truth of the facts.

The Earl of *Coventry* did not mean to speak to the point of order urged by the noble lord, nor to the particular propriety of the Bill, without the proofs of its necessity. But he could not avoid observing that the conduct of the noble lord over the way (*Sandwich*) seemed extraordinary. He did not know that it was quite within order to allude to any thing that had fallen in a former debate; but he did not doubt when the noble earl, whose sentiments he meant to bring into the recollection of the House, should hear what relation they bore to the present Bill, that he could have no possible objection to be reminded of them. The first day of the session, when several noble lords pressed for an enquiry into the causes of the want of success in our naval and military operations, the noble earl at the head of the Admiralty, speaking particularly to the affair of the 27th of July, declared without the least reserve, that he was certain there was no ground of censure; that both the admiral and vice-admiral had performed their duty; that if an enquiry should take place, he was convinced the event would fully prove the truth of his assertion; and that nothing could be likely to prove more fatal, in the present critical situation of affairs, than an enquiry of any kind, as such an enquiry would in all probability sow dissensions in the navy, retard our naval operations, and call some of our ablest officers from the discharge of their professional duty, by which means the public service must greatly suffer.—The noble earl had emphatically declared that if any enquiries should be set on foot (which he hoped would not be the case) that they ought to be general, and not directed to the conduct of any one officer. The good sense which appeared in what was offered by the noble earl on the occasion, gained a ready admission into his mind. It carried great weight at the time; he could not therefore help now expressing his sorrow and astonishment, that the same reasons had not operated with equal force on the noble earl himself; they had scarcely a transient credit with his lordship, for one of his first official acts, after this public declaration, was in direct contradiction to his own professional sentiments. His lordship had reprobated a general enquiry, and had adopted a partial one. Such was on that day the language of the noble earl in office. How different to what had since happened, he would submit to the

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House. All the inconveniencies so accurately stated by the noble earl, and all the dangers so forcedly described, had however been since approved of. Mr. Keppel had been ordered to prepare for trial; and that very board at which the noble earl presided, had been the cause of calling this accusation into that species of existence, which could only render it an object of a court-martial. His lordship concluded with passing high commendations on the public, private, and professional character of the hon. admiral, whose health was the object of the present Bill. It was in his opinion every way unexceptionable; and he made no doubt, would meet with their lordships' hearty approbation.

The Earl of *Sandwich* acknowledged the general facts stated by the noble lord. He still retained the sentiments he had declared the first day of the session: he had never a second opinion upon the matter, and most sincerely lamented that any enquiry was ever set on foot. It was totally against his judgment and approbation that it ever was. He was aware of the mischiefs it might cause, and the certain inconveniencies it must create; nor had he the least notice of such an accusation being intended to be made till he saw it in writing as an official paper before the board; seeing it there, he had no choice; he must receive, he could not reject; and, as a member of that board, was, from the nature of his office, compelled to act upon it. He presumed there was nothing extraordinary nor inconsistent in this. As a lord of that House, as a minister, he wished no such charge had ever been brought forward; but as a member of the Admiralty-board, his duty over-ruled his opinion, nor was he at all responsible for the consequences. The noble earl, who reminded him of what passed upon a former occasion, could not therefore raise any conclusion to justify a charge of contradiction; and, if his memory served him right, nothing passed but relative to a particular enquiry; as to a general enquiry, for his part he was ready and willing to meet it. He was for a general enquiry on the first day of the session, he still remained of the same opinion; nay more, he was certain that a general enquiry would take place. Their lordships could not be ignorant that there were more charges behind, and he could assure the House, that nothing would be left undone on the part of the Admiralty-board, which might expedite a full and proper

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enquiry. No charge had as yet appeared against the vice-admiral of the blue. He stood before the nation hitherto in the light of an innocent man. The Board was already in possession of more than one testimony in favour of his conduct in the affair of the 27th of July. The hon. admiral himself had included him in the general approbation of all the officers under his command. The Admiralty-board could not go upon hearsay; they must act conformably to certain rules, and abide by a settled system. The approaching enquiry would lead to farther enquiry; and as soon as the grounds of farther enquiry came properly before the board, the board would act consonant to the powers with which they were invested, and in strict obedience to the rules prescribed in such cases by the legislature. He repeated, that he extremely lamented the enquiry which gave birth to the present Bill. He knew it might do much mischief at this particular crisis, and could prove of no one substantial benefit to the public; but he could only express his regret, for it was not in his power to prevent it. It would have been extremely improper in him, to pretend to decide what the event of a trial would be, while he remained ignorant of the proofs which were to be adduced in support of the accusation. He had done no more than act with the other commissioners. As he was the first commissioner, it might be presumed, that he had more power than the rest, and exerted his influence on the present occasion. He could assure their lordships, whatever influence he had, he did not exert it, but had merely set his hand to the order for trial, in compliance with what he thought an act of indispensable duty.

The Earl of *Shelburne* was truly astonished at what he now heard. It was not proper, as he understood from the noble lord, to set on foot the present enquiry; he always disliked it; but gave no opinion as to a general enquiry, in which, he presumed, it was intended to include lord *Howe*, admiral *Barrington*, and others. Admiral *Keppel* had saved this country from certain ruin, if not conquest. Lord *Howe* had saved *Rhode-Island*, and admiral *Barrington* *Antigua*, and the rest of the *Leeward Islands*, by disobeying his instructions: yet these were the men that the noble earl thought fit objects of public enquiry; these were the men whom the Admiralty-board and ministers thought deserving of public accusation, and of the

temporary disgrace of a public trial. He so far agreed with the noble and learned lord, that he thought it extremely improper to bring any matter before the public relative to the conduct of the admiral, or his accuser, while the point was at issue: any thing which might prejudice the parties, or make any unfavourable impression on the public. The law was open; the tribunal was known; and there only could it be properly decided. He had all along avoided giving any opinion on the subject, either public or private; and endeavoured all in his power to prevail upon his friends to adopt the same conduct, particularly when informed that a motion was intended to be made respecting the vice admiral; upon that occasion particularly he laboured all in his power to dissuade those who communicated the matter to him, to drop it till a more convenient season, when the whole subject, combined with all the motives and collateral circumstances which it involved, could be fairly and fully considered together.

He would say nothing of the high deserts of the hon. admiral who stood accused; they were written in indelible characters in the hearts of his grateful countrymen; nor would he deny the just tribute due to the professional merit of his accuser. He had often mentioned his name with honour in that House; he had heard much of his personal courage, and had seen him run the most rapid race of preferment. He did not, however, think, that his late conduct would add much to his fame and reputation. His criminal accusations, and prosecution of a deserving superior officer, might not prove so successful as his naval enterprizes. He therefore sincerely wished, for the sake of the vice-admiral himself, that instead of his traverse and retrograde courses, he had continued to pursue his usual track, and directed all his manœuvres by the rules of plain sailing. His abilities and personal prowess were not denied; but he feared that he had been led on to do what his better judgment would forbid. There was something very dark and suspicious; something of a complexional blackness, that would, upon a close examination, be found, he believed, highly deserving of punishment. The nation, injured and insulted as she was, would call loudly for such an examination; and it would behove those who had perverted the power of administering justice committed to their care, to satisfy that House and the public, that

they were totally guiltless of what their conduct afforded, at present, the strongest grounds of suspicion.

The noble earl who presided at the Admiralty-board had affected greatly to lament the unfortunate circumstance of Mr. Keppel's being brought to trial; why did not the noble earl interpose to prevent it? His lordship acknowledged, that he was fully aware of the evil consequences which must follow such an enquiry; it was therefore the noble lord's duty to have exercised that constitutional discretion, inseparable from every ministerial office or official department in the state. The noble lord would not pretend to say that he was over-ruled by numbers, or out-voted at the board. His lordship well knew such a pretence would not avail him. The noble earl should have put a stop to the enquiry in the only stage in which his interposition could have had effect. Such a procedure could not have reflected the least dishonour on either of the parties, and would have prevented that national and professional ferment, that must inevitably follow, and which began already so apparently to prevail.

The noble earl had pointedly assured their lordships that there would be farther enquiries, and that these would beget others. Were the public to be amused the ensuing year with court-martial after court-martial, merely to blind and mislead the parliament and people, and draw off their attention, while the French were to be permitted to gain advantages over us in every part of the globe? Was the plan adopted, in order to cover the weakness, instability, and incapacity of our councils. Let the noble earl reflect in time on his situation. The affair of the 27th of July was a matter which called loudly for investigation, and he reminded his lordship, that he doubted much whether, when the day of real enquiry arrived, his lordship would be able to make out the plea of irresponsibility, which he now so confidently urged. The noble lord sat at the Admiralty-board as president. It was absurd, it would appear nugatory for his lordship, to defend his conduct on the ground of his being a mere individual member of that board, without any more power or influence, than what his vote conferred upon him.

His lordship assured the House that he did not rise merely as a friend to Mr. Keppel; his prime attention was directed to the good of his country. Justice, besides,

strongly urged him to declare his sentiments. If he saw one man surrounded by many enemies, and powerful ones too, he would naturally be called to the assistance of the oppressed and injured. If the person thus attacked was a public man, he felt for his country; if a private man, he then felt for himself; because he could not tell how soon he might stand in the same predicament.

His lordship next said a few words relative to the Bill itself, commending the conduct of the minister in the other House, respecting his desire that it should be made special, and declaring that it was very fair to put it upon that ground, considering the hasty manner in which it was necessary to be passed. He hoped, therefore, as the Bill was the most innocent of any that could possibly be brought into parliament, that noble lords would not too scrupulously insist on forms, which the nature of the case might render it inconvenient or impossible to have complied with. With regard, however, to the proof of the fact stated in the preamble, he understood there was a witness attending, who could sustain it to the conviction of every one of their lordships.

The *Lord Chancellor* observed, that the noble lord who spoke last had departed from the subject matter of the debate, and adverted to the merits of the cause about to be tried by the court-martial, and had gone into a long and random accusation of ministers upon assertions, unsupported by any proof whatever. It was, he said, improper and disorderly, for lords on that side the House to attack those persons who were in office, and assert particular facts to have been committed by them, which, if true, would amount to positive charges of a nature highly criminal. Such assertions were the more unfair, because they were so framed, and had such a relation, that if ministers spoke to them at all, they must of necessity touch upon matters exceedingly improper for public consideration, and by no means fit for discussion in a popular assembly. Those who made them knew this, and therefore urged them in a style so bold, collected, and confident, that their end was as fully answered as if ministers rose and confessed the truth of what was alleged. He thought it necessary to say thus much, in order that the people might not entertain an opinion that charges were true, merely because they were not immediately answered, and in order to shew noble lords

the injustice of asserting at random, what it would be exceedingly difficult, and indeed in many cases utterly impossible, to prove. The noble lord who spoke last had asked what accusations were to be next urged, and against whom? Were they, said the noble lord, to be urged against lord Howe, or admiral Barrington for breaking through his orders? With regard to admiral Barrington's having violated his instructions, the noble lord had mis-stated the fact to the committee; not, he was convinced, from any wish to mislead their lordships, but from his having been misinformed upon the subject; the error therefore ought to serve in future as a caution to the noble lord not to be too ready in throwing out accusations, or in alleging facts, which when investigated would turn out to be fallacious and insupportable.

His lordship observed, that such a conduct was extremely unparliamentary and unjustifiable. It went to prejudice ministers in the judgment of the parliament and people, and of course was no less injurious in point of effect, than indecent and improper. His lordship then proceeded to re-state his arguments, relative to the impropriety of the preamble to the Bill as it now stood; because, the committee had no evidence of the fact therein set forth, namely, the bad state of health of Mr. Keppel. Facts stated in a preamble, must be proved, or the enacting clauses rest upon opinion, while the reason why they are enacted appear upon the very face of the Bill fallacious, and which every man may question or deny at his pleasure. He made no doubt but Mr. Keppel was indisposed; but yet, in his opinion, till the committee was regularly in possession of the fact, it would be impossible, without departing from the known and established usages of parliament, for their lordships to go into the preamble of the Bill.

The Earl of *Shelburne* declared, the noble and learned lord had been ill-founded in a great part of what he had said in reference to his speech. He had given no opinion whatever relative to the court-martial ordered, nor to the validity or invalidity of the charge alleged against the honourable admiral accused; so far from it, he had only referred to topics which had already been mentioned in the debate, and which were open to the discussion of every one of their lordships; he still was free to say, that on the most calm view of the charge against admiral Keppel, and on the coolest consideration

of the time and the manner in which it was urged, it wore a very black complexion. With regard to admiral Barrington, he never ventured to assert any thing in that House without having first pretty accurately informed himself of the fact. The learned lord had taken upon him to contradict him; he heartily wished the learned lord would give his authority for the contradiction; he was free to tell the committee from whence he learnt the fact. He had seen a letter from a gentleman high in office in the island of Antigua, in which the writer mentioned that he had heard admiral Barrington declare in the face of the council of Antigua, that he had disobeyed his orders, in having quitted his station for the purpose of protecting that island and those in its vicinity.

The Duke of *Manchester* reprehended the conduct of the learned lord in his efforts to keep the House so much within the rigid rules of order. He said, if the orders of the House were not liberally interpreted, there would be an end to all freedom of debate, and the arguments of lords upon the most important subjects, would dwindle into the insignificance of petty disputes and technical wranglings of lawyers at the bar. Their lordships were accustomed to a very different mode of discussion; and he had no doubt but that any mode of debate, subversive of the dignity and established usages of that House, would meet with the reception it deserved.

The Marquis of *Rockingham* presumed there was not a lord present, who was acquainted with Mr. Keppel, ignorant that he had for several years been in a very precarious state of health. He remembered he saw him in the House of Commons the night the motion was made respecting the vice-admiral, when he went off with a glory of conscious innocence round his head. There was not a person present, who could have quitted the House with more seeming celerity, strength, dignity, and manly vigour, than he did; yet he dined with him the same evening, and though only an hour had elapsed since he saw him leave the House of Commons, he took half an hour to get up from the ground floor to the dining-room, being in the interim afflicted with the severest pains from cramps in both his legs.

The Lord Chancellor continued to demand the necessary proofs; and said, surely, as it was a requisite matter of form, his physician might be called to the bar, to prove the allegation in the preamble.

Mr. Halifax was accordingly called to the bar, and sworn, but before any question could be put to him,

Earl Gower rose, and declared, that he esteemed Mr. Keppel as much as any one lord in that House, though he did not think it necessary to stand up every day he came to parliament, on purpose to make his eulogium. The hon. admiral sought no such aid; all he desired was justice. His lordship corroborated what had been asserted by the noble marquis. He said, he had known Mr. Keppel for many years, and had been witness to the species of infirmity described by the noble lord: he therefore was of opinion, that it was totally unnecessary to examine the witness at the bar; the usages of that House admitting of the assurance of any lord given in his place, to any matter of fact properly within its cognizance.

As soon as the assurance of two noble lords, relative to the health of Mr. Keppel, was received as sufficient evidence of the fact stated in the preamble,

The Lord Chancellor rose to propose his amendments. He observed, that the recital in the preamble was extremely improper, because it presumed there was a custom, instead of a positive statute, which would, if let pass unnoticed, imply a discretionary power where there was none. The recital sets forth, "Whereas it has been usual, &c." when it has not been usual, but the place when and where is described by act of parliament to be on ship-board, and no where else; consequently, to render the present Bill correspondent to the existing law, he would move, that the words "it has been usual," be left out, and the following words be substituted in their place, "by the laws now in being." Then this part of the clause would run thus: "Whereas by the laws now in being, &c." It was not, he presumed, the intention of the committee to alter the law in any other instance, but what was professed by its friends, and its own avowed principle; which went no farther than merely to accommodate the mode of trial to the state of health of the honourable person who was to be the subject of it.—The amendment being agreed to, his lordship again observed, as there was no direct proof before the House what species of malady the hon. gentleman was subject to, and no petition from Mr. Keppel himself had been presented, which might lead to give that information; and as the two noble

lords had described it rather as an infirmity, than as any fixed, certain disorder; he should move, that the words stating the grounds or necessity of the Bill, which set forth, that "Whereas the said hon. Augustus Keppel was in a very bad state of health, and it might be dangerous to undergo a trial on ship-board, from the probable severity of the weather, at the season of the year said court-martial was to be holden, &c." he proposed to suit the preamble to the nature of the evidence before the House, by leaving out the words after "whereas," to the end of that particular sentence, and inserting in their stead "the infirmities of the said, &c." when the sentence would run thus: "Whereas the infirmities of the said hon. Augustus Keppel, &c." This amendment being agreed to, he observed, that the present Bill had not provided any power to enable the court to adjourn on shore to proceed to trial. He said, a doubt arose, whether, in the construction of the mode of assembling the court, the admiral, whose rank entitled him to act as president on the trial, and the senior captains, might not, if they thought proper, absent themselves on that day, and by that means evade the intention of the act of parliament. His lordship accordingly moved a clause to enable the court, when regularly constituted, to adjourn; and followed it with another, which ordained, that any officer who should, during the trial, absent himself from the house where it was held, be liable to be cashiered, if he should not be able to satisfy the court with his reasons for so doing.—The last clause he moved was, to direct the manner of holding the court on shore to be literally the same as on ship-board. His motives were the same throughout, a full and fair pursuance of the principle of the Bill, and in maintenance of the law in being. The statutes already mentioned, ordered the mode of constituting the court, and the manner of its proceedings, and all the incidental powers belonging to it; the Bill only provided one exception, which was the state of health of the party to be tried.

The Duke of Bolton rose to assign his reasons against the amendment, relative to the mode of constituting the court, and to shew the necessity there was, that the members of the court should not be left to chance, but ought to be specially appointed. He said great dissatisfaction had appeared among the navy in general, from the highest to the lowest; three or

four of the first names in the profession, upon application being made to them, declined acting as president: he had good reason to believe, that the same spirit would shew itself among the senior captains; the consequence of which would be, that for want of a sufficient number of flag-officers in the first instance, and the absence of the senior captains, the conduct of the first admiral in the British service, and one of the first seamen in the world, would come to be decided upon by a single flag-officer, and young captains, many of the latter, perhaps not one of them, who had seen that species of service which they would be called upon to determine. Justice demanded an effectual, as well as formal administration. Young captains, whose fortunes had never led them to be present at general engagements, and whose rank never entitled them to the command of a squadron, could not, in his opinion, be competent judges of what was or was not the effect of skill and ability in the day of action. There was another particular, which urged him the more earnestly to press this point; that was, that several of the senior officers, and those of longest experience, who would on account of their rank otherwise have acted as judges, were prevented by being summoned as witnesses; so that he hoped there would be as many flag officers as possible appointed, to constitute the court, in order that Mr. Keppel might have a fair, full, and indifferent trial.

The Earl of *Sandwich* assured the committee, that he knew of no application being made to any officer to preside at the trial, but to a noble lord, now absent from his place (lord Hawke) who begged leave to decline on account of his pains and infirmities, as being no way able to undergo the fatigues of attending the trial. It was insinuated, that there was a disinclination among the officers of high naval rank, in general, to serve on the court-martial. The noble duke might have some private reason for making the assertion; but he begged leave to assure the committee, that that was a circumstance of which he was totally ignorant. He hoped he stood fully justified in making the application; he did it, as he believed there was not a greater seaman, or an honest man, ever lived, than the noble lord. As to appointing a particular day for trial, the matter was already fixed. It was appointed to be held on the 7th of January. The noble duke would have

the persons who were to compose the court-martial, named or ascertained; that was impossible, without altering the law as it now stood. The law says, that on such a day, meaning the day of proceeding to trial, a signal shall be hoisted, ordering the senior captains to repair aboard that ship, whence the signal is given; now supposing, that any given description of officers should be constituted to try the accusation against the admiral, and that in the mean time one or more captains should come into the port, who were senior to those already appointed to try the hon. admiral, the consequence must be, that either a new arrangement of the members appointed to serve on the court-martial must be made, or the act of parliament which enacts that the court-martial shall be composed of the thirteen senior captains, be broke through. The latter cannot be; the former was therefore, in his opinion, totally impracticable.—He never understood, by any thing he saw or heard, that it was necessary, upon the trial of an officer, that there should be as many flag-officers as possible, in order to enable the court to determine. He believed the course of the navy was otherwise. At all events, if it was not intended to alter the laws now in being in that respect, or to depart from the professed principle of the present Bill, he did not see how any remedy could be administered in the committee. His lordship expressed his entire approbation of the learned lord's amendment, because it would take off a burthen from the Admiralty-board, which was extremely disagreeable, and would prevent a possibility of suspicion, that the Admiralty-board had acted with partiality in convening the members who were to constitute the court.

The Duke of *Manchester* got up, he said, with a great deal of diffidence to deliver his opinion, when it differed so essentially from that of the noble earl, who had, from his long acquaintance with whatever was done under the direction of the Admiralty board, so many opportunities of being much better informed on the subject; nevertheless he was led to imagine, that the noble earl had forgotten the general usage, relative to the constituting naval courts-martial, or he would never have asserted, that having a sufficient number of flag-officers on such trials, was unusual, or was unattended to as unnecessary. He had an abstract in his hand, which would prove the contrary,

and shew that the noble lord himself once held another opinion. It was in the case of bringing admiral Matthews to trial. That gentleman having presented a memorial to the Admiralty-board, complaining of the hardship, severity and injustice which had been done to him, in procrastinating his trial; the board answered, that it proceeded not from any neglect or designed delay, but merely to wait till the service would admit of having as many flag officers as possible on the trial, such being the most competent judges of the conduct of an officer in high command.

The Duke of Bolton enforced the same argument, and pressed it as a professional man; observing that the charges laid against Mr. Keppel, as commander in chief, must only go to an impeachment of his courage or his conduct. The former was not pretended; the latter, then, being the only ground, and, in fact, the object of the accuser, his grace submitted to the good sense of the committee, whether young officers were proper judges of the conduct of a person acting in a situation they must be totally unacquainted with. As to the other amendment relative to the confining the members of the court pending the trial, to the house in which it should be holden, he expressed his utmost disapprobation of it, as severe and unnecessary, as answering no good purpose, but only adding to the disagreeable circumstances inevitably attending such a situation. He said, he always disliked it; he was fully persuaded of the inconveniencies which in many instances it had been productive of; and it only was meant to prevent the members of the court from mixing with people without doors, and of course from receiving any impressions which might operate to influence their decision; he was persuaded, that it was an idle and inefficacious attempt. Though confined to the house, they would be at liberty to communicate with their friends; and if they could break their oaths of inviolable secrecy, not to divulge their opinions, it would be an absurd expectation to restrain them in any other manner. His grace then explained the reasons and motives that originally gave birth to this clause, which was the trial of admiral Matthews in 1745, when the members being at liberty, the trial was lengthened out to six weeks, and in the course of it, one or two of the members were arrested by an order of the then chief justice (Willes)

of the Common Pleas. His grace observed, that naval courts-martial formed a species of criminal jurisdiction in this respect, totally repugnant to the courts of common law, or indeed any other court civil or criminal, sanctioned by the common law. They were in fact neither a grand jury nor a petty jury, though they partook in some measure of the nature of both; and the nearest resemblance they bore to any jurisdiction was to that exercised by their lordships; for, like them, they acted both as jurors and judges. So in their manner of proceeding, like their lordships, courts-martial adjourned from day to day, and yet neither the object of trial and enquiry, nor of justice, was ever deemed to be defeated or impeded by such adjournments. The members of a court-martial were, besides, sworn to inviolable secrecy; there did not, therefore, remain a single plea for preserving the inquisitorial clause, and whether his lordship adhered to it, or gave it up, on the present occasion, he was determined to move for a total repeal of the clause, as it stood in 22 Geo. 2.

The Lord Chancellor, after acknowledging that a proper deference ought to be paid to whatever fell from noble lords who were by habit and experience familiar with the customs of the navy, and the necessity of altering old laws, or enacting remedial provisions, said the present was not the time proper for taking so general and important a subject into consideration. The clause alluded to, as it stood in the statute of 22 Geo. 2, might or might not be a proper one; but it did not apply to the subject matter of the present Bill, which was meant only as a temporary suspension of the law, framed on purpose to accommodate the place of trial to Mr. Keppel's state of health, which would not permit, with safety to his person, his being exposed to the inclemency of the weather, at that season of the year. So far as this, the purposes and avowed principle of the Bill went, and no farther; and so far the provisions of the Bill ought to be clear, positive and specific. He assured their lordships, the same met with his hearty concurrence; but when those ends were secured, in his opinion, the Act of 22 Geo. 2 ought to be faithfully adhered to in every other instance. What the noble duke promised to do hereafter, might appear extremely worthy of their lordships' attention, but at present nothing of the kind could properly come within the contemplation of the House.

The latter clause, as moved by the Lord Chancellor, was agreed to, as likewise the other, for ordering the manner of constituting the court to be exactly similar to the mode prescribed by the 22 Geo. 2, by a sign or flag hoisted aboard a certain ship, &c.

The several Amendments being agreed to, the Bill received the royal assent on the 24th.

1779.

Motion respecting the Trade of Ireland.]

Jan. 19. Earl *Nugent* moved, "That there be laid before this House, an Account of the quantity and value of goods exported from Great Britain to Ireland, and imported from Ireland into Great Britain, from the 1st of January 1768," which was agreed to. His lordship said, that this motion was preparatory to one for leave to bring in a Bill for granting further relief to the trade of Ireland. He represented the inhabitants of Ireland as being in a famishing condition, and appealed to two noble lords in administration for the truth of his assertion. He said that a secretary of the viceroy was just come over, expressly to lay before government the deplorable state of Ireland: he referred to a letter he had received from Dr. Woodward, dean of Clogher, mentioning that all had been done that could be effected by contribution to relieve the starving poor, but in vain; employment alone could remedy the evil. He appealed to the noble lord at the head of the Treasury for the truth of another observation; that the revenue of Ireland was so diminished, that it now yielded little more than the expences of its civil establishment. These facts pointed the necessity, as we had lost our trade with our American colonies, of taking care we did not lose Ireland next, by a separation or invasion. If our impolitic restraints were not removed from the trade of that country, we should lose our best customers for many articles of merchandize. Good estates in Ireland were offered to sale at 16 and 14 years purchase, yet no buyers appeared even at that low price. He expected to be opposed by those who had particular interests to support against the national welfare intended by his Bill; but he remembered many similar oppositions to Bills which, after they had passed, and the good effects had been experienced, had been highly applauded. For instance,

the Bill for importing bar iron from America was strongly opposed by the parties concerned in mines and iron-works at home; yet it was found that Great Britain did not produce a tenth part of the iron wanted for consumption. He declared himself as warm a friend to England as any man; and if he did not think it was promoting the interest of this country to grant Ireland relief to her trade, he would not move it. He concluded with a kind of prophecy, that if Ireland was not assisted in her commerce, it might become a question in that House, to vote a sum for the support of that country, from the insufficiency of its own revenue. The establishment of a cotton manufactory, and leave to export the manufacture to Great Britain, with leave to export and import to and from America, the West Indies, and Africa, were the points he had in contemplation. He concluded with saying, if all he wished could not be obtained, he must be satisfied with a part.

Mr. *Stanley* requested the noble lord would give as long notice as possible of the day he should bring in his Bill, that his constituents might be early apprised of it, as not only the town of Manchester, but all the manufacturing towns in the country, concerned in the cotton branches, were alarmed.

Sir *George Yonge* intreated the noble earl not to hurry on a Bill of such consequence, but wait for better information. He could not consider the state of Ireland in the melancholy light it had been described; but if the people really were famishing, it was not owing to the trade laws of this country, but to mismanagement in their own internal police.

Mr. *T. Townshend* reminded the House, that by a narrow policy America had been lost, and bid them beware of losing Ireland. He declared himself impartial, not having any property in Ireland; yet he considered his property in England as dependent in a great measure on the prosperity of Ireland; and as a member of the community, he wished to remove those partial restraints on her trade, which certainly are the cause of her distresses.

Debate in the Commons on the Bill for better Recruiting the Army.] Jan. 21. Mr. *Jenkinson* (Secretary at War) informed the House of his intention to propose a repeal of the Act of last session for recruiting the land forces; not that he objected to the basis of the Bill, but be-

cause he had several alterations and additions to offer, which would make it requisite to frame a new Bill. On a careful inspection, he found that similar acts to that of last year had been usually passed in all former wars; and the chief advantage arising from them, was the number of volunteers brought in, under the apprehension of being pressed, if they did not enter voluntarily: he was therefore of opinion, that every possible encouragement should be held forth to volunteers, that pressing might be rendered the less necessary. The Act of last year did not offer all the advantages to volunteers that might be expected, and it was owing to this that it did not succeed. Upon this account he had studied every probable plan to render the service more eligible to free recruits; and should mention his propositions, that the House might have time to reflect on them, if leave should be granted him to bring in a Bill. It was his intention to make the reception of the bounty more easy, by enlarging the powers of the commissioners of the land tax, and enabling them to pay it into the hands of the commanding officer. He would likewise make a clear distinction between the pressed man and the volunteer, in the limited time of service. The pressed man should be obliged to serve five years, but the volunteer only three, or during the war; then to obtain his discharge, and be exempted from serving compulsively in any line of military duty whatever. He would also allow volunteers the same privilege as an encouragement that was granted to the soldiers as a reward for services in the last war; they should be free, after their three years service, or upon a peace, to set up any trade or art in any corporate town in Great Britain. The standard for size, and the age intitled to the bounty, should be altered to five feet three inches, and sixteen years of age. He took notice of the great bounties given for men by the owners of privateers, which had hurt the recruiting service last war; but he expressed his hopes that the privileges to be offered by the new Bill, which could not be granted by the owners or captains of privateers, would make volunteers prefer the King's service. In fine, he moved, "That leave be given to bring in a Bill to repeal the Act of the last session of parliament 'for the more easy and better recruiting of his Majesty's land forces and marines;' and for substituting other and more effectual provisions in the place thereof."

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Colonel *Barré* expressed his hearty concurrence, and was glad to find an idea of his own adopted, with respect to the time limited for the duration of the service of volunteers.

The Bill was brought in and read a first time.

Jan. 25. The House went into a Committee on the Bill.

Upon a motion for reading it paragraph by paragraph,

Mr. *Turner* declared his sentiments against proceeding any further in the Bill, because he looked upon it to be a pressing and not a recruiting Bill, and he could not reconcile it to his conscience that any legislature should have a power to make pressing legal.

Sir G. *Yonge* proposed that the attendance of the recruiting officers on the magistrates at the quarter session should be compelled by a clause in the Act.

Mr. *Jenkinson* contended, that it had always been left to the War-office to punish officers for any neglect of duty.

The committee rejected the clause.

Mr. *Grenville* proposed, that more notice should be given to the magistrates of the times of meeting to carry the Act into execution; a clause was inserted accordingly. And moved, that persons convicted at the quarter sessions, of having run away from their wives and children, and were punishable by transportation or hard labour, for such offence, as incorrigible rogues, by statute of 27 Geo. 2, should in lieu thereof be delivered to the recruiting officer; and if able bodied men, be deemed to all intents and purposes enlisted; and that the recruiting officer should pay to the overseers of the poor of the parish 40s. towards the maintenance of his family. This clause also passed.

Jan. 26. Mr. *Ord* brought up the report of the Bill.

Sir *Charles Bunbury* rose and said, he took the liberty of then addressing the House, and he was the rather assured of the indulgence and patience of gentlemen, because he so rarely called upon them to exercise either the one or the other. His sentiments, he protested, arose from no factious view, no wish to oppose government, no desire to gratify party: they were the sincere sentiments of his heart, the offspring of his feelings, unprompted, untutored, and uncommunicated. Such as they were, he submitted

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them to the judgment of the House. He did not by any means approve of the principle of the Bill, which was confessedly calculated to recruit our armies for the purpose of carrying on a ruinous, offensive war in America; a war which, in his opinion, ought for every reason of policy and humanity to be abandoned. If we wished to retrieve ourselves from our desperate situation, and to avoid impending ruin, the only means of effecting so desirable an end consisted, not in recruiting our armies, but in recruiting our councils. Enlist new ministers, and pursue new measures. Not that he meant to have it understood that he was one of the general herd of complainers, or that he considered our past misfortunes as an incontrovertible proof of the want of wisdom in administration. He had no such idea; on the contrary, he knew that several of those who were employed in the first offices of government were men of sound judgment, unimpeachable integrity, and extensive talents; but when he considered the tremendous state of national affairs, he thought that all the men of abilities, let them be of what party they would, should be called upon for their advice and assistance. He therefore wished most anxiously that gentlemen would forego their animosities, their prejudices, and their passions; that a coalition of parties might take place, and unanimity of sentiment once more prevail. From unanimity and the exertion of a general zeal to save the kingdom, he alone expected that immediate ruin could be avoided. He had little skill as an artist; but there were great and masterly painters on both sides the chair; the picture of the country which had been more than once drawn by the *Salvator Rosas* of the opposite side of the House was a capital exhibition; it was grand and sublime, but dreadful and alarming. The hon. gentleman who proposed the Bill was a more flattering artist, and had given a very different view indeed of the same country. If the likeness was not so striking, if his outline was not so true and accurate as that of the gentleman of the opposite school, he had amply compensated for this trifling defect, by a richness of colouring, a brilliancy of sky, a glow of tints which would have done honour to a *Claude Lorrain*. He was no painter, but something like his brother, though with inferior powers of pencil; any thing, therefore, that he should attempt to delineate, would be

found to be a mere sketch, a rough outline, and a rude daubing. To drop all metaphor, he was far, as he had before said, from thinking all the present ministry wanting in capacity. The noble lord in the blue ribbon was possessed of a sound understanding, an honest mind, and most respectable abilities. The learned gentleman, who had lately left that House in consequence of his promotion to a high office (lord Thurlow) he had often listened to with pleasure. His manly sense, quick discernment, profound sagacity, and great professional knowledge; his love of justice, and his firmness of mind, qualified him in the fullest manner to be the adviser of his King, in a moment of so much danger, and in which the counsel of wise and upright men was so essentially necessary as at present. When he considered the gentlemen on the opposite side of the House, he saw among them men of the first abilities, and men whose talents might at this crisis be exercised equally to their own honour and the service of the state. Sir Charles then spoke of the talents of three gentlemen of the opposition (Mr. Burke, Mr. Dunning, and Mr. Fox,) in terms of the highest panegyric. The fruitful imagination of the first, his brilliancy of thought, powerful eloquence, strict integrity of conduct, and refined delicacy of sentiment, pointed him out as a fit person to be employed in government. With regard to the second, his great knowledge of both professional and political affairs, his keen and penetrating perception, his sound understanding, his unsullied honour, and his wise decisions upon every point he spoke to, rendered him essentially qualified to assist in restoring the lost dignity of Great Britain; and as almost every man in that House, as well as almost every man without doors, when he thought either his person, his property, or his fame in danger, ran eagerly to him, and solicited his assistance and protection, he saw no reason why his country should not have the benefit of his great abilities as well as individuals.

Of the third gentleman he spoke in the following words: There is another ornament of his country, a gentleman with whom I have the honour and happiness to live in the most familiar habits, of whose extraordinary talents you are daily witnesses, but whose real character (disfigured by calumny, and those shameful and unfounded aspersions which flow daily from an unrestrained and licentious press)

is yet unknown to you. Permit me, impelled by the partiality of friendship, and still more by a zeal for truth, to shew to you, and through you to his country, this valuable man in his proper colours, that you may know to whom to look for assistance in this hour of peril and calamity. To dwell on the shrewdness of his understanding, on the liberality of his exalted mind, on his rapid and unerring judgment, on his convincing and overpowering oratory, were to mis-spend your time. Of his talents you are daily witnesses: you are unanimous admirers. But believe me, gentlemen, he merits not your admiration only; he is deserving of your respect, of your most affectionate regard: he resembles not those splendid pebbles which ingenious industry renders glittering at a distance, but whose lustre fades as you approach them: like the genuine diamond, he is more brilliant on a closer inspection; his amiable qualities are captivating, and uncommon as his intellectual ones; those of his heart as superior as those of his head; unlike the generality of mankind, his excellence is more apparent to those who see him in his unguarded moments, and, in defiance of the levelling maxim of Rochefoucault, he is a hero, even to his valet de chambre.

Having concluded his eulogium on these three gentlemen, sir Charles recurred to his original position, that our army was sufficiently numerous, if wisely directed, to defend our present possessions. That if it was deemed advisable, in the exhausted state of our finances, to make further exertions, in his opinion, the first object was our navy, on the power and superiority of which the existence of this country depended. Sailors were more wanted than soldiers; good counsellors more even than sailors: we needed not able-bodied recruits, but able-minded ministers, who, by properly employing and directing the forces of England, would render the burthensome increase of them unnecessary. On that ground he objected strongly to the principle of the Bill, which held out unheard-of rewards, immunities to entice the labourer from the plough, and the manufacturer from the loom, to increase an army, the enormous expence of which we at present groaned under.

Mr. James Martin. During the few years I have had the honour of sitting in parliament, I have never presumed to trouble the House but once. I was then heard with a patient indulgence, for which

I now return my most hearty thanks. Sir, I should be very sorry if it could be thought that I was then so vain or so foolish as to imagine that a person of my humble abilities could give either advice or information to this assembly; but, Sir, I think these are very serious times, when every man who harbours honest sentiments must wish to publish and avow them. I hope, therefore, I shall not be censured as abusing the favour of the House by endeavouring to say a very few words on the present occasion.

Sir, I most heartily agree with an hon. gentleman who spoke in the committee upon this Bill, in what he said on the subject of pressing. I think no power whatever can make that practice legal; and I think it particularly hard, that a class of men, to which, perhaps, this nation is more obliged for its defence than any other, I mean the common sailors, should be subject to such inhuman usage. Sir, upon this principle I am strongly against the Bill, and I am also as strongly against it as in any degree assisting to support the American war.

Sir, I have once fully declared my steadfast abhorrence of that war; but as I think gentlemen seem lately to have forgotten the question of right, and only to argue on the practicability of it and the prospect of its success, I shall beg leave to repeat, that I hold it to be one of the most impolitic, unreasonable, unjust and tyrannical wars that can possibly be imagined. It was begun and has been continued on rank Tory principles; on the idea of forcing men to raise money contrary to their consent, and in a manner opposite to what they thought right. Sir, the world is now so far enlightened that, I believe, there are but few persons who dare publicly avow the true genuine Tory doctrines of indefeasible right and non-resistance; but though they may be much ashamed to own such notions, the practice of many shews that such notions are but too well entertained in their private thoughts: however, I shall venture to say, that an avowal of such tenets would be nonsense too gross for idiots, and language too base for slaves. Sir, I have heard the popularity of this war contended for. I would pay all due deference to popular opinions, but I am persuaded that there are two words that operate in this country like a charm; I mean the two words, "Old England." Sir, I love Old England as I ought to love her, but I think that she

can be as capricious, as ill-tempered, and as tyrannical as any other old lady whatever; nay, Sir, I think she is so old as not merely to border upon dotage, but to have given for several years strong proofs of insanity. Sir, I remember to have heard it very nobly said by an hon. gentleman, whom I do not see in his place, but whom I respect full as much for the goodness of his heart as for his very brilliant abilities, that he would never sacrifice his opinion to friendship. Sir, I greatly honour that sentiment, but I should be for carrying it farther; and I flatter myself that the hon. gentleman will agree with me, when I declare, that I would not sacrifice my opinion even to my country. Sir, I sincerely lament, as an Englishman, the great disgraces we have incurred, and the heavy losses we have sustained, in this unhappy business, the many able and gallant officers, and the thousands of brave men under their command, who have been sacrificed to the thirst of power in our ministers. No man can have a higher sense of the merit of most of those who have fought our battles than myself; but having said this, I shall with equal freedom declare, that I had rather we should suffer these losses, and ten times greater, nay, any losses whatever, than succeed in what I think an unjust attempt on the liberties of any part of mankind. I therefore, Sir, am sincerely glad that we have not succeeded, and heartily wish and most devoutly pray that we never may succeed; if we should, I think our liberties at home would be but of short duration; and, for my own part, I cannot see half the evil in a failure that would ensue if we, or rather if the ministry should carry their point. In case of failure we lose, it is true, a considerable part of the empire; but I no more believe that the individuals of a nation are happy in proportion to its extent of territory, than I believe that particular persons are happy in proportion to their riches. Sir, as to the unreasonableness of the Americans in not making peace with us on our offering to remove their grievances, I answer, that we most insolently and repeatedly refused to do so at the proper times, and now more insolently and most absurdly offer it when we ought to know that they cannot agree with us without the basest treachery to that powerful nation which has been the first to enter into alliance with them. I say farther, Sir, that this country has by its oppressive and tyrannical proceedings forfeited its

right to govern Americans, and that, upon revolution principles, they act nobly and bravely in shaking us off. I shall comfort myself, Sir, in the reflection that I have in no degree concurred in this business, but that I have, on the contrary, constantly opposed it; and also, in the consideration that the events of this war will be glorious lessons to kings and ministers to be satisfied with such a power as is consistent with the good-will of the people governed. Sir, according to my idea, we have been fighting for a foolish etiquette; for what should we have lost in suffering the Americans to tax themselves? Please, Sir, to observe the difference between their situation and ours. Should we by granting their petitions for self-taxation (even supposing they had no absolute right to demand it) I say, should we by granting their petitions have become slaves? Certainly not; but if we enforce on them what they think we have no right to enforce, they become slaves (in their own opinions at least) most perfectly, which, to liberal minds, is worse than death.

Sir, I am not one of those who blame ministers for want of success in this war. Every one knows that the wisest and the best of men may have not only ill-success repeatedly, but a long and constant series of it; had they justice, humanity, or generosity on their side, I should wish them every good event that could befall them. Sir, I am sure I have no personal dislike to any of the gentlemen who are supposed to have the conduct of public affairs. I am hardly known even by sight to any of them. I believe some of them to be men of very respectable and amiable characters in private life; but however conscious they may be of having acted in public matters to the best of their abilities, I own, I am surprised at their consummate confidence in holding the reins of government after such a continuance of unprosperous guidance. Sir, I protest I am most totally disinterested, I mean as a private man, in the establishment of a ministry. Whoever may be in power will be unsolicited by me for places and emoluments. Sir, I thank God for giving me a disposition to be perfectly satisfied with a comfortable competency, and I shall endeavour to educate my family in the same principles of moderation. Was I so unhappy as to be necessitous, I perhaps should yield to temptation as easily as any one; but this I am sure of, that the last act of meanness I would be guilty of to repair a broken fortune,

should be to prostitute myself to venality within these walls. Sir, I should as soon think of lurking in the avenues of the House as a petty pilferer, as I would barter the interests of the public or my constituents for any thing a minister could grant me, or for any private advantage or emolument whatever. Ambition, Sir, as the word is generally understood, is entirely out of my line of life; but, Sir, I own I have an ambition, and of which I am not ashamed; it is to be an honest, independent, useful member of parliament; and I solemnly protest, I had rather deserve that character and should be more proud of it than of any post of honour or profit the King has to give. If I may be allowed, Sir, to adopt a French military expression, I think we, as members of the British senate, want what they call *l'esprit de corps*; we have not that noble enthusiasm which should animate the representatives of the majesty of the people. Indeed, Sir, it is not to be wondered at that we should want that enthusiasm, if we consider the manner in which most of us are chosen into this assembly by every sort of undue influence, and with very little or no personal acquaintance with our constituents. But, Sir, a man in these days, who should profess that he seeks no private advantage by sitting in parliament, would be censured as a hypocrite, or laughed at as a fool; be that as it may, Sir, I had rather have the well-grounded approbation of my own mind, than the false applause of the whole world beside.

To return, Sir, to the question: can it be imagined that the Americans will ever make any reasonable terms with us, whilst our affairs are conducted by those who have heaped such wrongs upon their heads and who still avow those wrongs in spite of conviction and all the losses and difficulties they have met with? I find, Sir, another solemn fast proclaimed, and a form of prayer enjoined for the success of our arms. I wish to know, Sir, what pains or penalties I may be subject to on disobedience to this proclamation, for disobey it I certainly shall, as a proclamation is not the law of the land? If government dares to enforce it, let it be enforced—if not, the proclamation itself is ridiculous and contemptible. Sir, I would as soon worship the devil as pray to an All-righteous Being for success to oppression. That great Being has so far baffled all our attempts, and I trust will continue to frustrate them, so long as we wage war in iniquity, and

are deaf to the calls of policy, humanity, and justice. As I have the highest respect for true religion, I condemn from my soul those, who under pretence of supporting government, join in proceedings diametrically opposite to the spirit of Christianity, which, so far from authorising violence and wrong, constantly enjoins patience, long suffering and forbearance. I cannot imagine in what part of the New Testament many of our learned prelates have found out that it is recommended to carry fire, sword, and devastation amongst our fellow creatures, even supposing we had every pretence of right on our side. I have always thought that Christians should rather gain men by persuasion and mildness, than by violence of any kind. But an ignorant layman must not presume to decide upon matters within the jurisdiction of the independent, disinterested, and self-denying bench of bishops, who are totally free from all worldly-mindedness, and have nothing in view but the peace and happiness of mankind, and the advancement of Christianity in all its gentleness and simplicity. Sir, there are some few of that bench whom I highly revere for their love of a free constitution and a general toleration. Sir, I wish not to give offence to any man or set of men. I mean nothing personal, but speak my real sentiments, with a hearty wish that corruption and undue influence of every sort may be driven from our government; that all honest men may unite in promoting the public welfare, and in disclaiming the virulence of party heats and illiberal animosities. For my own part, Sir, however warmly I may express myself on this occasion, those gentlemen who are present, to whom I have the honour to be known, will do me the justice to believe that in private life I am not inclined to be censorious. I love to praise rather than to blame, and I am sure, in this respectable assembly, I should particularly avoid falling into indiscreet and groundless abuse. Sir, it may be said, that I have constantly voted in opposition with a most punctual conformity. It is perfectly true, and I hope I shall continue to do so as long as any measure tending, however indirectly, to this American war is to be promoted; but I can say with the greatest truth, that was even this administration engaged in any worthy scheme of public benefit, I should lend them my feeble assistance with more pleasure than I can possibly find in vainly attempting to prevent, with a respectable,

though not numerous minority, their pernicious plans. Sir, as I said before, I disclaim taking any delight in hearing the ministers and their measures condemned, however they may deserve it, and however necessary it may be. Indeed, Sir, could I have any satisfaction in the idea of their feeling it and mending in consequence, it might be some consolation; but whatever sensibility they may have had originally, I think they must long ere this have become perfectly callous. I, Sir, therefore wish that many gentlemen near me would not waste that eloquence they so much excel in, on those who are not capable of being affected by it, but leave them to the just condemnation of their own minds, and the contempt and detestation of an injured public. Sir, I have thought it right to say thus much to disburthen my mind and in justification of my parliamentary conduct. Though not a very young man, I have had but few years experience in national business. This, joined to the sense of my slender talents, to compensate for the want of that experience, has often kept me silent when I have heartily wished for abilities openly to express what has passed within me. I am sure, Sir, the attempt I have now made has cost me very dear, for I can never rise in this House without the greatest awe, notwithstanding the generous allowance which is constantly made to those who have the same plea for it with myself. If I have said any thing indiscreetly or unwarrantably, I shall hope for pardon, and that it will be imputed rather to a want of judgment than of upright intention and the warmest zeal to perform my duty. I abhor seditious, riotous proceedings, and wish to be zealously loyal to the constitution on the one hand, but on the other, I should be both sorry and ashamed tamely to acquiesce in a patient submission to destructive measures. I wish to live quietly under a free government, as established by our excellent constitution; but I would wish that government always to consist of a prince delighting more in a just and well-grounded popularity than in unlimited power; of peers loving independence and the applause of their country better than lucrative places and court servility; and of a House of Commons freely chosen and composed of true and zealous patriots. Sir, I am persuaded that all these blessings are not to be enjoyed by us till some great reform can be made in the exorbitant fees, perquisites, and salaries of cer-

tain offices. I, Sir, know very little of the value of places, but it seems to be universally allowed that there are many employments, and some sinecures, to which such profits are annexed as are out of all proportion to the duty or dignity of them. Sir, I shall be much obliged to any gentleman who will set me right if I advance any thing erroneously; but I have heard that an auditor of the exchequer, a paymaster of the forces, a treasurer of the navy, and some others, have such opportunities of making immense fortunes, that as long as there are men in the world, who estimate happiness in proportion to wealth, so long must such offices be temptations too strong for persons of common virtue to resist. I hope some gentleman of weight and abilities, equal to such a task, will take these matters into consideration, and that they will find all the support and encouragement that such an undertaking would deserve. I also hope, that if there should be any new arrangement of a ministry, that the greatest attention will be given to the characters of those who are to compose it, as well as to their abilities, for I need not inform this House, that great abilities if employed to wicked purposes may be infinitely more detrimental to the public, than any want of capacity whatever. If gentlemen really think that this country is in that melancholy situation so much complained of, the greatest exertions should be made by every rank of persons and in every department of the state, to reform all abuses, private and public, and to restore us to prosperity, dignity and virtue.

The Report was agreed to; and the Bill was afterwards passed.

Debate in the Commons on the Contractors' Bill.] Feb. 12. Sir P. J. Clerke moved, "That leave be given to bring in a Bill for restraining any person, being a member of the House of Commons, from being concerned himself, or any person in trust for him, in any contract made by the commissioners of his Majesty's Treasury, the commissioners of the Navy, the board of Ordnance, or by any other person or persons for the public service, unless the said contract shall be made at a public bidding." He declared his intention was to preserve the independency of the House, as the only means of preserving our excellent constitution. He complained of the influence of contractors on elections, from the power they had of making promises of

provision for voters in subaltern departments under them; he remonstrated against the power of a first lord of the Treasury, who at a time when the nation was exhausted with taxes, and borrowing money on the most disadvantageous terms, could bestow 30 or 40,000*l.* on a favourite contractor; and if 40, why not 80,000*l.* He mentioned a variety of abuses in the contracts for serving the army in America, particularly one with respect to hay; and complained of the manner of disposing of a late contract offered by advertisement to the lowest bidder, that is, the person who should offer to serve government on the cheapest terms: yet, the proposals sent to the Treasury had been opened there, and so managed during a whole week before any answer could be obtained by the several proposers, that it was evident it was meant from the beginning to give it, as all other things had been given, to North Britons; a Simon Fraser had the contract, and because the rum contract was not sufficient, Mess. Muir and Atkinson had a part of it.

Lord North said the proposals all came to the Treasury, sealed up in consequence of the advertisement; that they were all opened together, and given to the clerks to make calculations, and to point out who offered the cheapest terms upon the whole. It was found that Mr. Fraser's were the lowest, and therefore, according to the terms of the advertisement, his proposals were accepted; and he gave undeniable security. Sir Lawrence Dundas was one; the Treasury knew of no fraud; if there was any, and the hon. member could produce evidence of the fact, the Treasury board would thank him for the information; if any clerk was guilty of any collusion, he would be severely punished. As to abuses in the execution of the contracts, he could only say the Treasury was always ready to hear complaints, and to prosecute contractors, if they were well founded. His lordship was against the motion, because such a Bill would throw government entirely into the hands of selfish men, by obliging them in all cases to submit to advertising, and the public would be worse served.

Sir P. J. Clerke still adhered to his point, that the disposal of the contract to Mr. Fraser was collusively managed by the clerks of the Treasury, though it might have been too trifling a concern for his lordship to look into minutely.

Mr. Alderman Harley said, he had

had millions of the public money passed through his hands, in consequence of his contract with government; and when a committee had been appointed last year to inquire into the expenditure of the public money, he had brought his accounts made up to the time, and there they were now lying on the table; and though many insinuations had been thrown out against him, yet these accounts had never yet been examined; it would not take the committee two days; and till it was seen if he had defrauded the public in his conduct, he thought it was condemning him, or any man, unheard, to deprive him of his seat in parliament, merely because he served government in the way of his profession. One merchant might import large quantities of hemp, another of iron or naval stores; to whom were they to sell them, but to government? and was a man to be deprived of the honour of a seat in parliament on that account? Numbers of persons he could point out, some in both Houses, who either by profession, marriage, or descent, were concerned in some branches of commerce, which would subject them to the exclusion intended by this motion, for what were they but contractors? Some had gunpowder mills, others iron works, others cannon founderies; nay, the gentlemen whose estates were covered with oaks, felled them and sold them to the navy; the others sold their articles to the office of ordnance; and in this light he made them all appear to be contractors. As to influence at elections, the promises of titles and honours tempting men's ambition, was as much to be dreaded as any other. He concluded by saying, as the hon. gentleman was an old sportsman and loved hunting, he wished he had singled out a stouter deer from the herd of contractors, who might have offered him a good chace.

Sir P. J. Clerke thought he could not have fixed upon a stouter than one who had made 37,000*l.* in one year, by one contract.

The House divided:

Tellers.

YEAS	{ Sir P. J. Clerke - - - }	158
	{ Sir G. Yonge - - - }	
NOES	{ Sir Henry Hoghton - - }	143
	{ Mr. Robinson - - - }	

So it was resolved in the affirmative. The Bill was shortly after brought in, and read a first and second time.

March 11. On the motion for going into a committee on the said Bill,

Mr. *Onslow* was against the Speaker's leaving the chair. He did not doubt the hon. gentleman, who brought in the Bill, meant it for the good of his country; but in his opinion, it would produce worse evils than those it intended to remedy. It would force the minister to put up all contracts to public auction; disappointments, frauds and failures would be the consequence. And in parliament, instead of respectable merchants, instead of the fair contractors with government, you would have their substitutes, and the very name of proxies be detested. Besides, he thought it an encroachment on the privileges of the electors, that the House should determine they should not chuse merchants or men in trade to represent them, because possibly they might sell their merchandize to government. This would be an alarming innovation.

Sir *J. Goodricke* observed, that the Bill proposed an innovation in the constitution, and narrowed the elective powers of the people; that therefore, it ought to be supported on very clear and solid grounds; that no such grounds had been alleged, that the principle of the Bill went to the exclusion of all persons in lucrative employments, and of all officers in the army and navy; and that no arguments had been alleged, no evidence adduced for the excluding contractors from the House, more than any of the above persons. He observed further, that the provisions of the Bill were so vague as to render it quite nugatory; that the unavoidable indefinite nature and circumstances of contracts, and of what is called public bidding, not in the least restrained by this Bill, would after its passing into a law, still allow corrupting ministers to have as many effectual contractors in the House as they have at present, and probably with more detriment to the public interests. He endeavoured to shew, that contracts could not by law be insured to the lowest bidder, without imminent prejudice to the public service; and that, if this Bill really had effect, the mercantile interest would be improperly discouraged, from a place and influence in the House of Commons, because their seat would interfere with the pursuit of an honourable and profitable branch of their business; to wit, the acceptance of contracts, offered to them by government.

Sir *William Wake* thanked the framer of the Bill, for his steady perseverance in

so good a cause. He said, there were merchants enough out of the House, and the Bill did not preclude the ministry from contracting with them; but he could not help being of opinion, that the temptation of a profitable contract of 20 or 30,000*l.* was too much, and might influence men to vote contrary to their real sentiments and to the interest of their country.

Sir *Thomas Frankland* said, it was well known, that profit and loss was the merchant's God and devil; and if gain had an influence out of the House with men in trade, why not within it? He told a droll story of a man addressing a letter to him. He thought he was mistaken; but upon seeing him, he said, No, Sir, I find you have great parliamentary interest, and I wish you would get me into parliament. And pray, said sir Thomas, what are you? A corn-factor! And I suppose when in parliament you would get a good contract—I should be obliged to you, Sir. He told him he would have nothing to do with him; and afterwards he went down into Yorkshire, to oppose some of the Yorkshire members, and for this he got two valuable contracts.

Mr. *James Luttrell* said, he hoped he should not be single in a division upon this business, as he had been upon the last; but he should never be ashamed of standing alone in a good cause. For his own part, he saw a dangerous ministerial influence arising from contractors being members of parliament, and thought it strictly constitutional to oppose it. He considered the post of secretary of state for the colonies at this time, as no other than a contract of emoluments and high honours, destructive of the independency of parliament. He considered them all as pernicious to the very existence of the constitution, and he had seen the effects of their having seats in that House. Would that man, said he, who has a contract for cartouch boxes, vote for the conclusion of the war; or he who supplies the army with cheese and sour crout? It could not be expected that those who fed on the continuance of the war, would vote for its conclusion.

Sir *George Wombwell* objected to this conclusion, and said it might as well be declared, that officers whose road to preferment and honour lay in the field of war, would not vote for peace. He spoke of the danger of little men buying the contracts, and the misfortunes that would arise from adventurers executing the business badly.

Mr. Fox rose chiefly to observe on the remark, that it was a personal attack, on those who now hold contracts. For his part, he did not see it in that light: but if the gentlemen in that situation present considered it as such, they should have retired, as lord George Germain had done on the former question respecting him. He maintained, that if the new created office was not within the spirit of the Act of queen Anne, the contractors were; for persons holding great emoluments from government were within the clause. The parliamentary effect of contracting was two-fold, and both the action and the reaction tended to destroy the independence of the House. He then stated the mutual obligation between the contractors and the minister. The minister, in the first place, said to the contractor, "I give you a good contract, on condition that you give me a good vote;" and in the second place, the contractor re-acts upon the minister, "I have given you a good vote, give me a good contract; I voted for you the other night, in direct contradiction to my senses; I voted, that we had 42 ships ready for sea, when we had but six; and, I voted that the French fleet did not consist of 52 ships, when admiral Keppel had but 20; though both the facts lay upon the table. I have voted all this to do you service, and I expect you will not hesitate to give me a good thing; therefore, you must not quarrel with me for two-pence a gallon on rum, or a farthing on a loaf of bread." And says the minister to another, "You know I gave you an advantageous contract, worth to you 20,000% therefore, I must have a sure vote in you." Here was the worst of all ties, a double influence, a reciprocity, which this Bill was intended to remedy. But perhaps the insignificant advantage of 75 per cent. is nothing in the consideration of a huddling Treasury board, who had currency and sterling always at their elbow.

The question being put, That the Speaker do now leave the chair; the House divided:

Tellers.

YEAS	{ Mr. Thomas Townshend	} 124
	{ Mr. Grenville - - - -	
NOES	{ Sir John Irwin - - - -	} 165
	{ Mr. Robinson - - - -	

So it passed in the negative.

Lord North then moved, "That this House will, upon this day four months, resolve itself into a committee upon the said Bill;" which was agreed to.

[VOL. XX.]

*The Thanks of the Commons given to Admiral Keppel.**] Feb. 12. Colonel Barré rose, and in a feeling, pathetic manner addressed the House, hoping he should be permitted to read the paper which he then held in his hand. He then read the

* "The event, as well as the circumstances of the trial of admiral Keppel, are too well and too generally known to render our entering into any detail of the subject necessary. It will suffice to observe, that the court-martial, after a long sitting of thirty days upon actual business, and a patient hearing and investigation of the almost endless detail of evidence which it naturally afforded on both sides, at length acquitted the admiral of every charge laid against him, in the fullest, clearest, and to him most honourable terms; farther declaring that he had behaved as became a judicious, brave, and experienced officer. And that at the same time considering themselves as a court of military honour, as well as of criminal jurisdiction, they marked the conduct of his accuser, in the body of the sentence, with the strong and severe condemnation, 'that the charge was malicious and ill-founded.' It was supposed to be upon the same principle that the court did not close the trial, and immediately proceed to sentence as soon as the prosecutor's evidence was finished; it appearing then evidently, that the admiral must have been fully acquitted upon the very testimony which was intended to operate against him. But it was generally thought, that the court deemed it a reparation due to the admiral to hear the evidence in his favour; and that the world should be acquainted with that unparalleled weight of testimony to his conduct, honour, and character, which was afterwards given by so great a number of distinguished, brave, and experienced officers. The Address of the president of the court-martial, upon restoring his sword to the admiral, was no less flattering to the latter than the sentence was honourable.

"The general, public, and unusual rejoicings, which took place in such various and remote parts of the kingdom upon this occasion, seemed to afford a strong presumption, that the people in general considered this business to be at least as much a public as a private concern; and indeed the whole manner of celebrating this event seemed rather as if it had been a great national deliverance than that merely of an individual. The rejoicings and illuminations in the cities of London and Westminster were of such a magnitude as has scarcely been exceeded upon any public occasion whatever. The excesses committed by the populace in the latter, which were directed against the houses or persons of those whose supposed share in this transaction had drawn on them the odium of the multitude, were indeed furious, and had a tendency to shock and disgust many of those who partook the most

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sentence of the court-martial on the honourable acquittal of admiral Keppel, and the short speech of the President on restoring his sword to him. Here he paused, and then said, I will not add a word more, but shall present this paper for the approbation of the House, being assured of their general concurrence. He then handed to the chair the following motion: "That the Thanks of this House be given to the hon. admiral Augustus Keppel, for his distinguished courage, conduct, and ability, in defending this kingdom in the course of the last summer, effectually protecting its trade, and more particularly for his having gloriously upheld the honour of the British flag on the 27th and 28th of July last."

Sir G. Savile rose to second the motion, from the fear in the general struggle of so full a House, who should be foremost to express their sense of the admiral's meritorious conduct, he should be deprived of that honour.

The motion was carried, with only one dissenting voice.

Feb. 18. Admiral Keppel came to the House of Commons, amidst the plaudits of the people, who followed him to the very door. When he had taken his seat,

The *Speaker* gave him the Thanks of the House as follows:

"Admiral Keppel; This House have done you the distinguished honour of ordering their thanks to be given to you, an honour never conferred but upon extraordinary merit; which thanks it is my duty to communicate to you in your place.

"After having sat so long in this chair, I hope it is unnecessary to declare, that I have been always happy to obey the orders of the House; and I have now a particular satisfaction in that obedience. Indeed, every generous mind must feel satisfaction, when the day of honourable acquittal succeeds to the day of severe trial; and this pleasure was, I believe, never more general, nor more sincere, than upon the present occasion.

"You, Sir, was called by your sovereign, with the approbation of all de-

heartily in the general joy. Even the iron gates and pallsades of the Admiralty were not sufficient to preserve that building from receiving strong marks of the popular indignation; nor were some of the great officers of state free from sufficient cause of alarm, until the troops were brought forward to their protection." *Annual Register.*

scriptions of men, particularly those of your own profession, to a station of the utmost difficulty, and of the highest importance. The safety of this country, and the honour of the British flag, were trusted in your hands, when the enemy was expected upon our coast; and, notwithstanding the most able discharge of this great and momentous trust, you was accused of misconduct and neglect of duty. But, after a very long and full investigation, by men in every respect the best qualified to judge, that charge appeared to be ill-grounded and malicious; and your judges have unanimously and honourably acquitted you; and have further added, that your conduct on the 27th and 28th days of July last was that of a judicious, brave, and experienced officer. Surely then it cannot be matter of surprise, that extraordinary marks of respect and esteem are shewn to such a character. We now know, with certainty, that our confidence in you was not misplaced; and we entertain a well-grounded hope that there still remain among the naval officers talents and abilities fully equal to this dangerous crisis.

"Amidst this general joy, I cannot help repeating the singular pleasure which I feel in giving you the thanks of this House, which I now do, for your distinguished courage, conduct, and ability, in defending this kingdom in the course of the last summer, effectually protecting its trade, and more particularly for your having gloriously upheld the honour of the British flag on the 27th and 28th of July last."

Upon which, Admiral Keppel said,

"Mr. Speaker;

"It is impossible, by any expressions I can use, to do justice to my feelings of gratitude to the House, for the honour they have done me by their approbation of my conduct.

"The good opinion of my fellow-citizens, expressed by the representatives of the nation, cannot but be received by me as a most acceptable addition to the satisfaction I felt in the recent sentence, to which you have been pleased to allude, of a court-martial; the result of a full and deliberate inquiry, expressive of their sentiments of the subject referred to their examination, in terms equally honourable to themselves, and to me.

"The pleasure I feel at this moment is not a little heightened by the unavoidable recollection of the very different emotions

I felt when I was last in this House, and in this place.

"I should be guilty of great injustice, if, on an occasion like the present, I neglected to inform this House, that my efforts for the public service, in the instances in which the House has been pleased to distinguish them, were most zealously seconded by many as gallant and able officers as the navy of England ever produced; to whose attention and spirit, next to the Divine Providence, the success of these efforts ought to be in a great measure ascribed.

"I cannot sit down without returning to you, Sir, personally, my particular thanks, for the very, very obliging terms in which you have executed the commands of the House."

The Thanks of the Lords given to Admiral Keppel.] Feb. 16. The Marquis of Rockingham moved, "That the copy of the charge exhibited by vice admiral sir Hugh Palliser against the hon. admiral Augustus Keppel, on which the said admiral has been tried by a court-martial; and also of the sentence of the said court thereon, might be read." And the same being read accordingly, the noble marquis introduced his motion with a few prefatory observations on the eminent deserts of the admiral, whom he was proud to call his hon. friend; on the cruel treatment he had received from administration, and the means that had been devised to rob him of his life, or, which to him would appear infinitely more terrible, to disrobe him of his honour and his professional reputation. His lordship descanted on the nature of the charge, the time of bringing it forward, the particular circumstances which brought it into existence, which was a principle of self-impunity and recrimination in the accuser, and of malevolence, envy, and persecution, in those who had the power, but not the will, to put a stop to such a scene of cruelty and injustice, in the first stage. He presumed, that after hearing the contents of the papers which had now been read, there would be very little occasion to have recourse to any other proofs of the propriety of the motion he was about to make. A motion to return the thanks of that House to the gallant admiral for his very meritorious services. Even his secret enemies, if any such were present, would find themselves so peculiarly circumstanced, as to contradict their inward feelings and secret wishes, on the present

occasion. Being on his legs, however, he could not omit the opportunity he had of his testifying his sentiments, respecting that great naval officer, whom he esteemed to be the pride and ornament of his country; of consummate skill and experience in his profession, and one of its best bulwarks in the hour of danger. He could not help observing, that there were many very suspicious circumstances attending the fate of this great man, from the very day of battle, until the instant he was brought to trial. He was then in the country, and occasionally moved to several parts of it, and he could not but observe, that no sooner had the account of the engagement reached the public knowledge, than reports, pretended facts, anecdotes, and remarks on the admiral's conduct, began to be disseminated to his disadvantage. He knew the zeal, the ardour, the ability, of Mr. Keppel, too well to permit those reports to make the least impression on his mind. As certain periods advanced, he was more and more convinced, that those misrepresentations originated all from the same quarter; yet when the charges came forward in the formidable shape they did, he confessed, he was staggered; and though he never doubted of the admiral's zeal, courage and ability, as a seaman, he confessed he retained some doubts, whether from his liberality of spirit, and consciousness of having acted as an honest man, and performed his duty, he had not administered a pretence to his enemies to effect his disgrace. It was this particularly which called him down to Portsmouth, to be present at the trial. There he stayed the greatest part of the time; and his attendance at Portsmouth led him to be a witness of the exemplary conduct of the court-martial; a conduct which must do the gentlemen who composed it eternal honour, in the eyes of every noble lord present. He wished to avoid particulars; but only consider, for an instant, their patience and forbearance. To sit to hear out a cause, to the very last stage, which the evidence in no part, on the side of the prosecution, was able to support. But that was not all; when even these forms were gone through, what further task did the court impose on itself? Not the bare acquittal, as a matter of course on the evidence brought to support the prosecution. No; though a court of justice, they went a step farther; they acted as a court of honour. They admitted the admiral to

his defence, when no defence was necessary, except in the full maintenance of his honour. They sat several days, only to hear so many fresh evidences of his skill, valour, and conduct; and the result of the whole was, that from the malice of his enemies, Mr. Keppel arrived to an honour which no other professional man ever experienced, were his victories or services ever so transcendently meritorious. The most able, disinterested, and gallant set of officers, that ever did honour to any country, seemed to vie with each other which should be most loud, in bestowing the highest, the most deserved, and best earned encomiums on his good conduct, bravery, and unrivalled judgment. The marquis then moved, "That the thanks of this House be given to the hon. admiral Augustus Keppel, for his distinguished courage, conduct and ability, in defending this kingdom, in the course of the last summer, effectually protecting its trade, as far as his command extended; and more particularly for his having gloriously upheld the honour of the British flag on the 27th and 28th days of July last."

The motion was seconded by the duke of Bolton, and agreed to *nem. con.*

The Thanks of their lordships being communicated to admiral Keppel, by the Lord Chancellor, the admiral returned the following Answer:

"My Lord,

"The very distinguished notice which the House of Lords has been pleased to take of my services in the course of the last summer, confers on me the highest honour; the advantages which their lordships have thought worthy of their thanks, are due to God's blessing, to the gallant behaviour of many great and able officers who served in the fleet, and to the bravery of the seamen.

"I can only say, that the warmest gratitude for this great honour and favour will make me ever desirous of meriting it by the most strenuous endeavours to serve my country.

"I beg leave to return your lordship my best thanks for the flattering and polite manner in which you have been pleased to communicate to me the resolution of the House. I have the honour to be, &c.

A. KEPPEL."

"Audley-Square, Feb. 17, 1779."

"To the right hon. lord Thurlow,"

Debate in the Commons on the State of

the Trade and Commerce of Ireland.]
Feb. 15. Lord Newhaven addressed the House in a very pathetic manner, in favour of Ireland. He painted her distressed situation with much sensibility, and hoped gentlemen would consider the obligations this country were under, to take off those burthensome restrictions that lay upon her trade. He stated, that the imports for which Glasgow, Bristol, Liverpool, and the other seaport towns so loudly called, were not more than 9,000*l.* and a fraction in their favour, and for this sum they laboured and stretched all their interest to distress that unhappy country. He gave as an instance of that distress, an account of a man, who, when his cattle had been seized to satisfy his landlord, had prayed for leave to bleed them, that his perishing family might subsist for some days longer on the blood. The export Bill granted in favour of Ireland last session, he said, would be of no avail, if parliament did not also grant them an import trade, since, if they could not take commodities in return at the West India markets, their trade would be nugatory. He therefore wished to bring in a Bill granting Ireland a free import trade from the West India islands. But in the mean time, and as a preparatory measure, he would move, That the House do form themselves into a committee of the whole House, to consider of the best means of granting Ireland an import trade.

Sir Thomas Egerton objected to this motion. He said that the distresses of Britain were equal to those of Ireland, and that in granting them favours we must not forget ourselves. This was no time to create disturbances at home, by giving up the trade of the country, and he was sensible that an import trade could not be granted to Ireland without awakening clamours of a very alarming nature. The people did not even now sit easy under their misfortunes. Edinburgh had been, for some days, in the possession of a mob, London had been offended by one, and the whole people felt and loudly lamented their distresses. The county which he had the honour to represent, was in a very lamentable situation with respect to trade, and he was sensible that if it was permitted to the Irish to import cotton, which was the staple manufacture of Manchester and its environs, the trade of the county would be totally annihilated. He therefore moved that the consideration of this business be postponed for six months.

Sir *George Yonge* seconded this motion, and was warm in his opposition to the motion of the noble lord. He said, he conceived it had been the sense of parliament last year, that nothing more was to be granted to Ireland than was granted, and he thought they were very well satisfied, at least the worthy gentleman who was their ambassador, sir *Lucius O'Brien*, had expressed the utmost satisfaction, and the greatest gratitude for what had been done. He declared, he wished to give every reasonable indulgence to Ireland, and if a mode could be found out to do so without injuring Britain, no man would be more happy or more earnest than himself in doing it. But this was no time, nor was the mode proposed the most eligible, for doing services to Ireland. He conceived the greatest part of her misfortunes arose, not from the restrictions of trade, but from the fault of her internal policy. So shameful a waste of their treasure in the support of pensioners and placemen, was the great source of their calamities, and before they came imploring the assistance of Britain, they should do all they could to extricate themselves. He would not dare to say what would be the consequences of going upon this business at this time. When we had nothing left to bestow, burdened with taxes, involved in a war, and sinking under every calamity, this was no time to throw away the little remnant we had left of trade and manufacture.

Lord *North* expressed his astonishment, that further relief should be asked for Ireland, before time had been taken to observe how far the indulgences granted had operated towards it. No one had a greater desire to serve Ireland than he had: but the commercial situation of this country was by no means to be thought able to give way in favour of the trade of that country, who had, it must be admitted, every indulgence granted to her last session that the circumstances of the times would allow of; and as for further privileges in trade, his lordship was clearly of opinion, they could not be granted without materially affecting the interest of this kingdom.

Mr. *Burke* exploded the arguments against the motion, with keenness and satire. He wanted words to express his amazement at the ostensible reasons given for the opposition to the motion. It had been pronounced dangerous for us to consider the laws relating to the trade of Ire-

land. And what was the reason given against our relieving Ireland? Why, truly, that we ought to do nothing, because if we did grant her one thing, she might ask another. Such horrid reasoning was too gross to dwell upon! It was such narrow and illiberal policy as this that had lost us America for ever, and would in all probability prove the destruction one day or another of the British empire.

Mr. *Stanley* reprobated the idea of relieving Ireland, on account of our own distresses, remarking that England ought to enjoy a more beneficial trade than Ireland, as the taxes she paid were much higher, and the whole of the navy by which the latter was protected, entirely paid by the former.

Lord *Nugent* supported the cause of Ireland. The distresses of the Irish, he affirmed, could not be suffered to go unrelieved much longer, without endangering the safety of this country; for however depressed it might be in itself, it was for our own interest to put the commerce of Ireland upon a better footing. Upon the whole, a relief, and the most speedy one that could be given, was the only thing that could be done to prevent rebellion in Ireland.

Lord *Beauchamp* was of the same opinion, and hinted that the Irish were so reduced, that they had not been able to pay for the militia they were empowered to call out, remarking at the same time the independent companies that had been raised to the amount of 20,000 men, as a subject of enquiry highly worthy the attention of the House.

Sir *Harry Hoghton*, Mr. *Grenville*, and several other members, spoke on the same side.

General *Conway*, lamenting that the question could not be granted in the manner it stood, and willing at the same time that something should be done for Ireland, moved, "That this House will, upon the 25th instant, resolve itself into a committee of the whole House, to take into consideration the several acts of parliament relating to the trade and commerce of Ireland."

This motion brought on some little conversation, when Mr. *Bamber Gascoyne* moved for the order of the day to be read, which being put, was agreed to without a division, and the House adjourned.

Debate in the Commons on Sir William Howe's Motion for Papers relating to the

Conduct of the American War.] Feb. 17. Sir William Howe said, that imputations had been thrown on himself and his brother, for not terminating the American war, last campaign; the very contrary of which, he would venture to say, would appear, when an inquiry was instituted. For this purpose he had a motion to make; by which it would appear whether the fault lay in the commanders of his Majesty's fleets and armies, or in the ministers of state. Whoever it was that deserved censure, he hoped would meet with it. He should therefore move, "That there be laid before this House, copies or extracts of all letters and correspondence that passed between his Majesty's secretary of state for the American department and sir William Howe, from the 2d of August 1775 to the 16th of May 1778."

Lord Howe wished to retire from all public men and public measures, but he wished, at the same time, to do it with honour. The King had been graciously pleased to honour his brother and himself with his royal approbation, but ministry had withheld it from them. He therefore hoped the House would be unanimously of opinion that an inquiry into the American war was necessary, in order to shew whether it was the fault of the commanders, or of administration, that it had not been closed.

Lord North professed great respect for the two commanders, and said, he was not to be charged with any want in his duty to them. As to their conduct in the American war, he had never censured it. He had never pronounced either the general or the noble lord to blame in any part of it; and as to giving them the approbation of administration, no opportunity had offered for doing it, nor could he think the proposed inquiry at all necessary or expedient; and though it met with his acquiescence, it was not because it was agreeable to him, but because it was agreeable to the hon. general and his noble brother.

Mr. Burke observed, that a confession had fallen from the noble lord of no little value. He had admitted the two commanders had not been to blame, and that an inquiry into the war was not at all necessary or expedient; now, if that really was the case, namely, that an inquiry was not necessary or expedient, there could then be no blame at all to be traced. He hoped, however, that the papers called for would be laid before the House, that justice might be done.

Governor Johnstone said, as a member of parliament he had a right to express his opinion on the conduct of any person acting in a great public trust. It was in that light he had said what were his sentiments of the American war, and the commanders employed there; and he must confess, that he always had condemned the southern expedition, which he now understood to be a plan of the two commanders, and not in consequence of any instruction from home. This, indeed, was not his own judgment, but the opinion of officers very high in the service, who were also ready to join with him in thinking, that the armaments sent out under lord and sir W. Howe were adequate to all the purposes they were to effect. He hoped the inquiry into it would be as full as it ought to be, since the southern expedition was, in his opinion, the grand cause of the loss of our northern army under general Burgoyne, and every subsequent misfortune. He should, therefore, as he had promised, second the motion. But he was no accuser: he stood up as a member of parliament, and thought reproaches came with a very ill grace, for his having occasioned an inquiry, which those who made them long ago thought highly expedient.

Lord Howe hoped, as the governor did not censure the expedition to Philadelphia on his own opinion, but on the sentiments of many officers, when the proper time arrived, he would produce those officers, when he doubted not he should owe a vindication of his conduct to the good offices of his hon. friend.

Mr. Fox said, he could by no means assent to the opinion, that the force under the two commanders had been adequate to the end in view. He must adopt the very opposite opinion, because the force had been found inadequate. Indeed, ten times the force would have been equally so. It was the force of justice that resisted them, and that was a force never to be subdued; yes, there was a time when his hon. friend, (governor Johnstone) was pleased to think so, and that England, when she went against America, fought against justice. But he did not wonder at the attempts that had been made to depreciate the noble lord and his gallant brother. Every commander was to be abused and traduced. How was a man to get into the esteem of administration? Why, he was to blacken the character of our commanders, and he was sure to succeed. On the other hand, let a man but speak well

of them, and he was sure to draw the enmity of ministry upon him. Hence sir W. Howe, and his noble brother, sir Guy Carlton, general Burgoyne, admiral Keppel, were the objects of ministerial malignity, and in proportion as they were written down, so was the person by whom it was done raised in the estimation of administration. Every attack upon them was made for government. But the ministry had no desire to go into an inquiry of the American war. They had had enough of trials. The court-martial on admiral Keppel had given them a dose. They wanted no more inquiries. It had furnished them with a text on the conduct of their own commanders, and they were sick. Yes, they were sick of it to their souls; and while a general happiness had diffused itself through all ranks, while people of all denominations were in a manner intoxicated with joy, felicitating one another at so glorious an event—propitious equally to the cause of virtue, and of our maritime glory, those treacherous, those pitiful ministers were shut up in darkness brooding over their horrors of disappointment. They saw not the illuminations, but retired from the transports of the world. The portly building of the Admiralty wore a dismal aspect, sorrow hung about it. But the malice of administration was to check, if possible, the happiness felt on the occasion. An obsolete act of parliament was therefore raked up, a clause resorted to, to try capitally a young man found in the most alarming act of breaking the windows of sir Hugh Palliser's house. This act of parliament, so seldom heard of, and never but on the most extraordinary occasions, was to be used to the conviction of this young man to-morrow morning, as he understood from very good authority. Not for breaking windows—not for hurting sir Hugh Palliser's house, much less demolishing it: but for being pleased at the acquittal of admiral Keppel. That was the crime for which he was to be hanged—that was the crime for which he had been prosecuted with so horrid a severity—and the very counsel he had retained for his trial taken away. In whatever point of view he considered this, horror and indignation suppressed while all power of reproach. No language could do justice to the infamy of the proceeding. When sir William Howe sent over the news of his having obtained a conquest (and sir William was then called a great and able general), no pains

were taken by administration to prevent illuminations. An action was brought in the court of King's-bench by a quaker for a riot and breaking of his windows. The cause came before judge Willes. And how was it decided? The judge was of opinion that the act was to be justified by the occasion; it was thought strange that one man should be found to resist the general joy, and the jury were directed to find a verdict accordingly. If ministry would look into riots, let them go to Edinburgh, where the mob had not only obliged government to tell them, that they will not only not pass the bill in favour of popery, but will not even suffer it to be brought in. Did the Attorney General proceed against Balf and Macquirk for the murder of Mr. Clarke at Brentford? And yet is a boy to be tried for his life, because he was heard to halloo for admiral Keppel, and in the tumult of his joy found to break a window or two! But why was it? Why, truly, the spirit of the people was to be depressed, and because the ministry failed in their designs to murder admiral Keppel, the life of an unhappy youth was to be pitifully sacrificed to their resentment.

Mr. Attorney General *Wedderburn* rose to vindicate administration from having any share in the prosecution against the rioters. He solemnly declared, that he had received instructions from no man; that he would receive instructions from no man; that he would not pursue the prosecution merely to gratify any set of men; nor would he be forced to give it up from any consideration of fear or apprehension, though torrents of eloquence should be employed to shake him. A grand jury had found a bill against them; that he thought just ground for prosecution; he would not say more, as he did not wish to anticipate the trial, or pre-judge the matter. He had not, as yet, received full information of the business from the solicitor of the Treasury; when he had, he would form his opinion of it; and if he should find sufficient matter against the rioters to justify a capital prosecution, nothing should prevent him, as first criminal lawyer for the crown, to pursue it. If, on the contrary, he should find the offence of a less criminal complexion, he would drop it; but in either case, he would solely act from his own judgment, unbiassed by respect for persons, unawed by clamour or opposition. The law, with which the hon. gentleman found so much fault, he had ever heard extolled as the

bulwark of the Protestant Succession; it was framed at the accession of the present family to the throne, when it was as dangerous to be a Whig as at present it was to be a Papist in Glasgow or Edinburgh; and to that law might be ascribed the enjoyment of our present liberties. He admitted that merely breaking windows was not a capital offence, but if breaking windows and forcing open doors were not to be punished, where was the security of our lives and properties? If a mob was to consist of masters of families, husbands, fathers, and house-keepers, he would pay some respect to them, because he did not dread the same fatal effects from the excess of their joy as from that of footmen, hair-dressers, and apprentices; their heat would soon subside. In punishing, he would pay no respect to persons; at least he would not seek for the weak and poor, and let the rich and powerful escape; he would let a score of apprentices escape, if he could find out, and he would certainly search for them, people high in rank, who might have created the riot, by distributing money or other ways.

Mr. *Dunning* acknowledged the purposes for which the law was framed to be such as the learned gentleman had represented them to be; but he could not think that the learned gentleman would suppose that a law made for securing the Protestant Succession, should be made use of to hang people for breaking of windows. It was not the law itself he disliked, but the application that was made of it. He requested the learned gentleman would weigh well the matter before he should proceed to extremities. He paid some compliments to his understanding, but could not avoid observing, that it was rather singular that he did not get his information from the solicitor of the Treasury before he had gone the lengths to which he had already proceeded.

The *Attorney General* returned Mr. *Dunning's* compliments, and assured him there was no opinion for which he had more respect than for his; but he ought to consider, that the law owed double protection to a person obnoxious to the populace; particularly when that person was to be tried by his country, and might be deprived, if unprotected, of the means of asserting his innocence, if he is innocent, through the fury or enthusiasm of the people.

Sir *W. Meredith* said, that no crown

lawyer had proceeded against the rioters procured to stab the constitution at the Middlesex election, though murder had been committed. On the contrary, those who had taken up the matter, and followed the prosecution to as necessary a conviction as this country ever saw, were ever since looked upon as the enemies of government; yet when a young man, perhaps in the hour of rashness, had been detected in breaking a pane of glass in an uninhabited house, the *Attorney General* had been found to prosecute him for his life, and in so doing to make a merit in point of duty to his country.

Mr. *Burke* acknowledged that every protection was due to an obnoxious person, but contended, at the same time, that the rioters had done no more than some of the first characters of the nation would have done. No one had been more extravagant in his joy, if any thing could be called extravagant on such occasion, than the great lord *Hawke* was, when he heard of the sentence of acquittal; he deemed it a triumph and glory to his country, far transcending the most brilliant victory he himself had ever gained. He ascribed the prosecution to malice, resentment, and every thing that was dishonourable.

The motion was then agreed to.

Mr. Wilkes's Motion for expunging the Resolution respecting his Expulsion.] Feb. 18. Mr. *Wilkes* moved, That the entry in the Journals of the 17th of February 1769, of the proceedings of the House, upon the return of a knight of the shire to serve in parliament for the county of Middlesex, in the room of John *Wilkes*, esq. expelled this House, might be read. And the same being read accordingly; he moved "That the Resolution of this House, on the 17th of February, 1769, 'That John *Wilkes*, esq., having been, in this session of parliament, expelled this House, and is incapable of being elected a member to serve in this present parliament,' be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom." The House divided: For the motion, 122; Against it, 202.

Debate on Mr. Fox's Motion for the Dismissal of Sir Hugh Palliser from the Navy.] Feb. 19. Mr. *Fox* said, a report was current, that sir *Hugh Palliser* had that morning resigned the lieutenancy of

marines and the government of Scarborough, he therefore desired to know, if that report was true : because, if it was true, he would be free to confess he did not know how to act. He had, indeed, come prepared with a motion on the subject of that unfortunate gentleman, but he was not willing to press hard upon him in his present situation ; he therefore would not move any thing till he should be informed.

Lord North said, that he had that morning received a letter from the first lord of the Admiralty, acquainting him that sir Hugh Palliser had resigned the lieutenantancy of marines, as also the government of Scarborough, and had vacated his seat in parliament.

Mr. Fox said, that this fact partially altered his intention, but did not overthrow it entirely ; it was, he said, to him a matter of great disquiet, that his Majesty had not been advised by his ministers to dismiss sir Hugh Palliser ; such a measure would have shewn, in some respect, a disapprobation of his conduct, and would have discountenanced the suspicions that were awake in every breast, of the prosecution having been upheld by the ministry, and not been perhaps unfavourable to a person too respectable to be named : it would be impossible, he said, for any person to convince the people without doors, that administration were not the authors of the accusation against admiral Keppel, considering how much circumstances of suspicion rested against them : it was necessary, he thought, for the honour of the King, that the prosecutor should have been dismissed from all his employments ; and with that intention he had prepared a motion, after waiting a considerable time to see if ministers would have advised his Majesty to have done this, for an address to his Majesty, representing to him, that sir Hugh Palliser had been proved, by the sentence of a court-martial, to have preferred an ill-founded and a malicious charge against his commander ; and therefore such a person was very unfit to continue in any employment, civil or military, under the crown ; and praying him to dismiss him from all those he possessed. He said, the prosecutor had no more now than his rank of vice-admiral in the navy ; but still he thought it necessary, for the honour of the King, that some public mark of disapprobation should be shewn, to disarm the suspicions that were upon the conduct of the ministry—the ministry, who had barely writ-

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ten to admiral Keppel a cold letter on his acquittal, authorising him to hoist his flag again on board the Victory ;—who had let the prosecutor down regularly, permitting him first to give up the Admiralty, and eight days afterwards to resign two other employments, when it was suspected that a motion was to be made to strip him of them ; and who, in short, had taken all possible pains to show, that they were his associates and friends. He wished not, he said, to persecute the unhappy gentleman ; it was in kindness to him that he wished to make this motion ; that no court-martial whatever might be held upon him, since no other purpose could be served by one than that of persecution. No court-martial could clear him of the charge of having made an ill-founded and malicious accusation ; and that charge, of itself, established as it was by the sentence of the late honourable independent court, entirely disqualified him from ever serving again. He said, that a court-martial might be appointed on him at his own request, although he was dismissed from his rank of vice-admiral. We had an instance of it in the case of lord George Sackville. At the same time, he said, he would not press his motion, if he found it was disagreeable to the House. The motion was, “ That an humble Address be presented to his Majesty, representing to his Majesty, that it appears to this House, from a sentence of a court-martial, that sir Hugh Palliser, vice-admiral of the blue, has preferred a malicious and ill-founded accusation, of a capital nature, against his commander-in-chief ; and therefore humbly requesting, that his Majesty, in consideration of the honour of the British navy, and in order to prevent those jealousies and animosities which must necessarily arise amongst his officers, whilst they are liable to be associated in service with a person judged guilty of a malicious and ill-founded accusation, will be graciously pleased to remove the said sir Hugh Palliser from all his military employments.”

Admiral Pigot said, that although his honoured friend, the admiral, had met with so distinguished an acquittal, much yet remained to be done for him. No disapprobation had been shewn to the prosecutor. But no court martial, he hoped, would be had upon the conduct of the vice-admiral, since the most honourable acquittal from a disobedience of orders, could not clear him from having brought an ill-founded and malicious charge.

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Lord *Howe* thought the conduct of sir Hugh had been such as to render it impossible for him to be continued in the navy; but if he was really to be tried by a court martial, he would not support the motion for an Address, though he did not think but that he was even then (should the request be complied with,) equally liable to be tried.

Mr. *Morton* thought any thing contained in the proceedings on the table of the late court martial, besides the acquittal itself, to be very irregular, and could not but consider it as extremely extraordinary, that, after sir Hugh had adopted a course of conduct for discharging himself from the imputations against him, the House would not let him pursue it.

Mr. *Hans Stanley* thought it very hard that sir Hugh should be pronounced to have brought an ill-founded charge before he had been convicted of the crime. No blame, he said, could lie upon administration, for the vice-admiral had declared that whatever he had done was his own act and deed, without the participation of a second person. He then went into a metaphysical definition of the word 'malice,' which, at length, he insisted was—a sudden impulse of the mind.

Earl *Nugent* was of opinion, that it would be an act of extreme cruelty to remove sir Hugh from his situation as an admiral, as his bravery had not been in the smallest degree impeached.

Mr. *Burke* begged to say a few words on the pretended injustice of pronouncing sir Hugh to have brought an ill-founded and malicious charge, because the fact was unsupported by any copy of record, the absurdity of which being once admitted, would effectually overthrow the authority of the parliament, which had ever exercised a power of supposing whatever was fit and reasonable for them to suppose. But the ministry were perfectly right in encouraging the doctrine; for if they never could be impeached but upon a legal proof of their crimes, made out by the copy of some record, no minister, he would venture to say, would ever be impeached. As to the idea that it would be cruel to address the King for the dismissal of sir Hugh, because he was to be tried by a court martial, it was in his opinion, highly ridiculous, and he should think it very strange, if he was not at liberty to turn a servant out of his service, because he might happen to have a highway robbery alleged against him. He then

adverted to the definition given by Mr. Stanley of malice, which he ever had thought to be evil prepense; and concluded, by observing, that the ministry ought to be aware how they ordered a court martial on sir Hugh, lest his blood should thereby be drawn upon their heads.

Lord *North* said, it would have been very improper to have censured sir Hugh, as a court martial was to be had on his conduct. Indeed a trial could not be ordered at his own request. It was unprecedented. But a trial there most undoubtedly would be. With respect to the imputation thrown on administration, he assured the House, that sir Hugh never had consulted him. Indeed the charge was in itself ridiculous. Was it for the honour and interest of ministry?

Mr. *Fox* being offended at the manner the motion was opposed by the noble lord and the friends of administration, who, he said, not only maintained their negative upon the ground of the impropriety of coming to any resolution which might bear the appearance of affecting sir Hugh upon his expected trial, but likewise amounted to an implied, if not a direct justification of his conduct, pressed his motion in order to collect the sense of the House. The question was on the point of being put, when

General *Conway* rose, and recommended his hon. friend to consent to have his motion withdrawn, and pledged himself to the House, that if no other person undertook to do it, and administration meant to adhere obstinately to the language they held this day, that of retaining sir Hugh in the service, he would himself take the sense of the House by motion, upon one similar to that now made.

Mr. *Fox* acquiesced, with some degree of reluctance, and the motion was withdrawn.

Debate on Colonel Barré's Motion respecting limited Service in the Army. Feb. 22. On the order of the day for going into a committee on the Mutiny Bill,

Colonel *Barré* observed, that when the supplies for the army were voted, he had taken an opportunity of hinting, that he should at some proper time propose to the House, that every soldier should be in the army for a limited term only. Indeed, the House had already passed an Act to that purpose, respecting recruits to be taken into his Majesty's service, but what he now had to offer was that it might extend

to the military in general. That soldiers should be enlisted for life was, in his opinion, a most preposterous idea, and had ever been repugnant to his feelings. In support of that opinion, there was a great lawyer (judge Blackstone) in this country, who might be mentioned; for that he had, though even a friend to prerogative, laid it down as a maxim, that it would be agreeable to the constitution of this free country, and conducive to the military service, that soldiers should be enlisted to serve for a limited time. In other countries the method had long been in practice; nay, he believed in every part of the world; in France, in Spain, and on the continent, he was sure it was in use. How surprising—how astonishing was it then, that in England alone, soldiers should be kept in slavery for life! It was the hardship that caused so much desertion. For those and many other reasons, he would therefore move, “That it be an instruction to the said committee, that they have power to receive a clause or clauses, for limiting and ascertaining the time of service of such non-commissioned officers and soldiers as are already enlisted, and of such persons as shall hereafter be enlisted in the army.”

Sir *W. Howe* said, though he did not quite coincide with the right hon. gentleman, yet if it should be resolved to limit the servitude of soldiers, he thought that ten years would be a more proper term than seven. For he was of opinion, that men could hardly be brought into any useful discipline within the last mentioned time; and the difficulty he believed was hardly to be foreseen, how commanders in chief would be able to act with soldiers abroad: in the East Indies, for instance, should the soldiers claim a discharge under the proposed clause, how were they to be brought home?

Mr. *Jenkinson* opposed the motion, which, he insisted, went to deprive the army of men at the very time they should become most able to serve. And for what purpose? The soldiers were contented, not a single complaint had been received from them, and the service could not be put upon a better footing than the one on which it stood. Nor could he think it a state of slavery, it being oftener the case that officers found it difficult in getting rid of their men, than that the men solicited their discharge; and as to the mode of suffering their servitude to expire at a given time, merely to give them an opportunity of re-enlisting, it would increase the

expences of the state, and would, in all probability, occasion an application to parliament for farther supplies. He moved the previous question.

Sir *P. J. Clerke* thought the motion was founded on principles perfectly consonant with the nature of our constitution, and the dictates of justice. The certainty of men serving for life, was the cause of frightening men from the army. In his time he knew many instances of brave and healthy young men, rather entering into the militia, because for three years only, than into his Majesty's service, where they were sure to remain for ever in slavery.

General *Conway* owned that under the late duke of Cumberland, with whom he had the honour to serve, he had imbibed his sentiments, which were, that soldiers ought to be continued in the army for life; but that he had of late years, from much experience and serious reflection, entirely altered his opinion, which he was free to confess, though he was however inclined to think that the matter well merited a Bill, and was by no means to be introduced as a clause in the Mutiny Act.—General *Burgoyne*, and sir *Edward Astley* were of the same opinion.

Colonel *Stuart* was entirely of the same opinion as the Secretary at War.

Mr. *Burke* declared he was never more astonished in his life than he had been at the arguments brought against the motion. The soldiery, it had been insisted upon, were not in a state of slavery. The question, in his opinion, would be to see whether they were in slavery or not, and if they were, to examine if it was necessary and expedient to continue them in that state of slavery for the good of the service. What he conceived of a slave was to be compelled to serve at the will of another for life. That he thought was a state of slavery. And was it necessary? Was it expedient? Not one single reason had been advanced in support of it; while, on the other hand, the limiting the servitude of a soldier was proved to be fraught with consequences the most beneficial to the army, as well as honourable to the constitution of this free country. One great use it would have, would be to prevent desertion, as no one would think it worth while to run such a risk of losing his life, when he might have but a few years to continue in the army. For what was it that made the life of a soldier so terrible, but his being obliged to serve as such for ever? That “ever” was the dreadful word

that made him miserable. Even were we obliged to leave a friend for ever, should we not feel in the severest manner? That "ever" cut off all hope, which every one knew to be the balm of life. And surely the way in which a soldier—(honourable, when not for ever)—lived, cutting off his fellow creatures, ought to have a period. In every situation of life man had something to look forward to. How could the late secretary at war have borne his situation, but that he had other objects in view to sweeten the fatigue of office, under which the noble lord (Barrington) patiently struggled for 25 years, and through almost as many administrations. Even you, Sir, (to the new secretary at war) would never have suffered yourself to have been prevailed upon to succeed the noble lord, unless you were taught to look forward to that reward which soothes and exhilarates us under every trouble, and to expect that you should, like that noble lord, be enabled one day or other to retire with the fruits and comforts of your labour. Nay, even you, Sir, (addressing himself to the Speaker) serve but for a term of years. Did you sit in that chair for life, it would be horrid to you. But some other place, Sir, awaits you after all your toils and difficulties in supporting the majesty of the Commons.

Lord Westcote said, he was against the motion, because he knew many great men 30 years ago, who were against a plan of this kind at that time, when he remembered general Conway against it. He did not know what had altered the general's opinion, but his own was not changed. As the House seemed willing to put it off, he hoped the hon. colonel would withdraw his motion.

Mr. Aubrey said, that notwithstanding the noble lord thought the House desirous of having the motion withdrawn, he was of so different an opinion, that he hoped his right hon. friend would persevere in it, as he did not doubt of the propriety or the success of putting it; for it seemed to him, that the principle of the motion was not either in justice or policy inferior to that in which he succeeded last year, and for which every independent man felt the highest obligations to him; that motion was for the inquiry into the extravagant expenditure of the public money: and it was in the memory of the House, that in spite of all the opposition the most leading men on the Treasury-bench gave to it, and in particular of the right hon. gentleman

now secretary at war, who so strongly opposed the present, it was carried without so much as a division.

Sir George Yonge said, he had not heard an argument against the propriety of carrying the present motion at this time; therefore he wished gentlemen would attend to the motion itself, in which they would find that it was not to take place till the end of the war. All that was meant was to hold out to the old soldiers the consolation of their being then to expect equal justice.

The House divided:

Tellers.

YEAS	{ Sir George Yonge - - - }	68
	{ Mr. Byng - - - - }	
NOES	{ Mr. Jolliffe - - - }	122
	{ Mr. Robinson - - - }	

So the motion passed in the negative.

Debate on Mr. Fox's Motion for Papers respecting the State of the French Fleet in Brest. Feb. 23. Mr. Fox moved, "That there be laid before this House, copies or extracts of all letters and papers received by any of his Majesty's ministers, or by the lords commissioners of the Admiralty, containing any intelligence respecting the equipment, number, and force, of the fleet, which sailed from Brest, under the command of Monsieur D'Orvilliers, in the month of July last." He would not, he said, enter into the whole of the enquiry this motion was intended to produce, but he would so far explain the expediency of it, that ministry, if they meant to refuse the papers, might assign reasons for such refusal. His reasons for desiring these papers were, to know if the ministry had any intelligence of the force of the French fleet in Brest water, when they first sent admiral Keppel out with only twenty ships of the line. If they did not know it, they were guilty of the grossest ignorance; for there were many channels open to obtain information. If they did know it, they were culpable in the highest degree for sending out that brave admiral with so unequal a force; that if he had not providentially taken the Pallas and the Licorne, and thereby discovered that the French had 32 ships of the line, the British fleet and their gallant commander might have fallen a sacrifice. He wished to know what grounds of defence administration meant to take on the day of enquiry, which must come, and could not be evaded, as the salvation of this country

depended upon it. He wished to bring them to a point; would they avow that they had no intelligence, and confirm the opinion long entertained by all unprejudiced people, that they are incapable of managing the affairs of a great empire? If they meant to say, they had intelligence, how came it that, after the boasted declaration of the first lord of the Admiralty, and of his colleagues, admiral Keppel found only six ships of the line completely ready when he went first to Portsmouth to take the command; afterwards 14; in all 20, with which he was to face an enemy with 32; after declarations from the Admiralty at the beginning of the last session, that we had 34 ships of the line completely manned, ready to put to sea, and in a fortnight after should have 42? If they were ignorant of the French force, it appeared to him very extraordinary that when admiral Keppel, with a prudence and discretion which did him as much honour as any action of his life, returned into port for a reinforcement, and wrote to the Admiralty that he had discovered the real strength of the French, that board never expressed any approbation of this conduct at so critical a juncture, though it had been the means of saving the British fleet, and perhaps this country from invasion. He was sorry to observe, that at this very hour, though the whole nation were sensible of his distinguished services, he had received no token of approbation from his royal master, nor had sir Hugh Palliser received any mark of the King's displeasure.

Lord North opposed the motion: his chief objection being, that exposing intelligence received by government, at all times, even at a distant period after the events, would be improper; but so soon as the motion aimed at, might be very prejudicial to individuals; might do much harm, and could not do any good. As to the admiral's conduct in returning into port, under the circumstances mentioned, he had not the least doubt of the discretion of the measure; and if the Admiralty did not express approbation, he was certain nobody ever thought there was any blame.

Mr. T. Townshend said, that artifices were made use of to stop all enquiry into the conduct of ministers. The nation, however, now called for an enquiry so loudly, that it could not be denied by any but the dependants of administration.

Admiral Keppel rose, and desired the

House to take notice, that whatever was the design or the event of the motion made by his hon. relation, he had no part in it. He had always acted according to the dictates of his conscience, with an honest heart; he feared no man, nor did he blame any. He desired he might not be charged with betraying any secrets of government, or the department of administration under which he served; he knew what belonged to secret instructions; and he never revealed to any of his fleet what were the discoveries he had made from the papers of the Pallas or the Licorne; nor at any time his instructions. He was therefore at a loss to know the reason of his being treated with coldness by the Admiralty, or that he had not received any marks of the royal favour since his acquittal. One thing he must mention, which he thought singular, but he would not censure. In the official letter sent to him from the Admiralty board, after his trial, restoring him to his flag and rank, that part of the sentence which reflects the highest honour on him is left out, viz. "that so far from having tarnished the glory of the British flag, he had behaved as became a judicious brave officer." They likewise omitted the words "malicious and ill-grounded charges," and that the acquittal was "unanimous." The admiral added: I have received the thanks of my country, of both Houses of Parliament, perhaps more than my best services merited; but these tokens of approbation will bear me up, and carry me through my duty for the remainder of my life: having my king to please, my country to serve, and the good opinion my fellow citizens have of me to preserve, all I can say is, that my life is at their service, but my honour I must take care of myself.

Lord Mulgrave said, that the letter from the Admiralty which the hon. admiral complained of, was a mere official order; that there was no idea of shewing the hon. admiral the least coolness; the only idea was to take off the suspension the first moment they knew of the sentence: that he was at the board when it was drawn up; that it was sent in the common manner: and that the hon. admiral might be well assured he would never have given his consent to any letter meant to appear as a cold letter to admiral Keppel, or that should seem to convey either a want of joy on his acquittal, or a want of respect to his person.

Colonel *Barré*, who had the letter in his hand, read it, and thought the House would see in it a great coolness indeed. He declared he had heard that vice-admiral Palliser, so far from meeting with disapprobation for his conduct on the 27th and 28th of July, had been applauded.

Admiral *Keppel* declared, that whether the letter he had received, and which took off his suspension, was or was not meant as a cold letter, he certainly felt it to be a cold letter. The noble lord had said, nothing had been done but what was common; he begged leave to say, that the whole of his case was extremely uncommon. When he was upon his trial, a great many questions were suggested to him as proper to be put by him: but he disdained putting any that might be imputed to dirty, mean motives; that among others, he had information that a letter had been sent to capt. Bazeley by sir Hugh Palliser, (and begged pardon for using the name, he never would mention it again as long as he lived,) declaring that the King had expressly thanked him for the conduct of the blue squadron on the 27th of July, and desired that his thanks might be communicated to the officers of that division. The admiral said, he made no use of the information upon his trial, he was above it. The noble lord had talked of his joy upon his acquittal. He begged the noble lord to consider always, that he separated his professional from his official character. In the former, he knew no man more respectable, or who, in the command of a ship, would behave more honourably. The admiral repeated his gratitude to the public, and said he was aware he now stood in a very ticklish situation, as the least ill conduct, or false step, would be attended with much worse consequences in him than in any other officer.

The House divided:

Tellers.

YEAS	{ Mr. Fox - - - - }	97
	{ Mr. Baker - - - - }	
NOES	{ Sir Grey Cooper - - }	134
	{ Sir Henry Hoghton - }	

So it passed in the negative.

Debate in the Commons on the Budget.] Feb. 24. The House being in a Committee of Ways and Means,

Mr. *Burke* said, that he thought it extremely improper to go into a committee of supply and ways and means, till the

whole of the intended supply and ways and means were before the House. For instance, the army extraordinaries, which, by what he could learn, formed a very considerable part of the supply of the present year, was not yet delivered in. To pretend, therefore, to open a budget, without having the whole of the debt and credit side of the account under the inspection of those who were to pass it, was unprecedented and delusive.

Lord *North* replied, that in times of peace, and when large sums were not wanted, the usage had been such as described by the hon. gentleman; but in times of war, the custom had been otherwise.

Mr. *Burke* said, he had not searched the Journals of the last war. It was uniformly the practice, even since the commencement of the American war, for which he appealed to the House, and the deviation from it last year did not apply; for, though the extraordinaries were not voted, the account of them was upon the table for several days. It might seem to be a matter of no great consequence, whether the extraordinaries were or were not included, because whenever they should be presented they would be granted. That was not his objection; it was this, by holding back the extraordinaries, and the increase of the navy debt during the last year, the people would not be acquainted with the real expence of the campaign.

Mr. *D. Hartley* said, he understood the increase of the navy debt amounted to above 2,200,000*l.* and he presumed the extraordinaries of the army were enormous. It was therefore in vain to keep these circumstances from the public eye, or think of preventing the securities from coming into market in some negotiable shape or other. He had heard that the noble lord had pledged himself to those who engaged for the loan, not to issue any farther negotiable securities, till after a certain day, at some months distance.

Lord *North* acknowledged, that the navy debt was considerably increased. The army extraordinaries amounted, he understood, to 2,026,000*l.* Those he did not mean to include in the account of the supply of this day; but it would be understood, however, that they were to be provided for in the same manner as if they had. The same method he proposed to adopt in stating other particulars, to take them by guess; the difference would not

prove a great deal; they might be more, they might be less. As to issuing further negotiable securities, he confessed it was part of the agreement with the gentlemen who engaged for the loan, that he should not, till after Michaelmas, negotiate or issue any. It was a condition they stendily adhered to, and to which he was obliged to submit. His lordship said, that the present state of the public accounts was not to include the whole of what was meant by the cant word Budget, but only a part of it.

His lordship then proceeded to state the debtor and creditor side of his account, and made the whole amount to upwards of 15 millions; navy, army, and ordnance 8 millions; army extraordinaries 2 millions; navy debt 2 millions; a million vote of credit, and about a million miscellaneous services. To balance this, there would be 7 millions loan; 2 millions sinking fund; 2,700,000*l.* land and malt tax; 1,500,000*l.* exchequer bills; 1 million new vote of credit; and about 1,200,000*l.* negotiable securities, to be issued subsequent to 29th Sept. 1779.

His lordship next expressed the great difficulty he had been under in negotiating a loan, owing to the very high terms that had been insisted upon by the monied people, which had obliged him twice to break off all correspondence on the occasion. In consequence of this, the persons with whom he had been treating had stood forth in defence of the reasonable proposals they had demanded, and with which they were agreeable to close with government, when it should be found that more eligible ones were not to be met with, which they trusted would most undoubtedly be found the case. Driven thus to the expedient, his lordship had applied to other quarters, and sought, by every means in his power, to obtain a better bargain. But in vain. After searching for it a very considerable time, he was convinced at the end of the pursuit, that he ought, for the service of the state, to return to the people he had first negotiated with, and to close with them on the terms they had stood to as fair and reasonable. This he had accordingly done, though very much against his will; but he was urged to it by the necessity he was under: and the only reason, indeed, that he could, after all, pretend to furnish was, that he had done it because he could do no better. This being the case, he had terminated his treaty with the subscribers for a loan of 7 millions,

though he could have wished, as he had endeavoured, to have made it at least one million more. The subscribers of the loan had bound him in a promise not to issue any negotiable paper from government before Michaelmas next. The only provision as yet made by parliament towards the services of the present year, was by the land-tax and malt bills, from which about 2,050,000*l.* will arise, which, with seven to be borrowed by the new loan, four by Exchequer bills, and about 1,400,000*l.*, intended to be raised by negotiable papers, to be issued after Michaelmas, together with some extraordinaries yet to be voted, would make up nearly 15 millions, and complete the sum necessary for the service of the current year. The terms he had proposed for the new loan were 3 per cent. in the consolidated funds, an annuity for 29 years of 3*l.* 15*s.* per cent. and a douceur of seven lottery tickets, in a lottery consisting of 49,000, at 10*l.* a-piece. This mode of granting annuities, he apprehended, must be deemed a most pleasing way of raising money, as in 29 years the state would be freed from 3½ per cent. His lordship then explained in what manner these 7 millions were to be funded, and hoped in the course of a month to be able to point out in what way the remainder of the supply required was to be procured, remarking at the same time, that 449,000*l.* were to be derived from the lottery of the present year, the tickets of which being delivered out at 10*l.* each, would give a profit of 3*l.* on every ticket to the subscribers. How the interest of this loan was to be discharged, he would lay before the House in a day or two, till when he would beg leave to postpone entering upon the new taxes that were to enable government to do it, though he must own it was rather unusual to defer it in that manner.

The great advantages held forth to the public in the present loan, might be supposed sufficient to maintain the propriety of an open subscription; but he was persuaded of the contrary; for the truth was, that the loan of last year suffered chiefly by part of it falling into the hands of adventurers, and persons of small property; the consequence of which was, that the persons thus circumstanced, alarmed at the fall of stocks, ran to market, and glutted it in such a manner that before the budget was opened, the omnium was below par; whereas, if the whole had remained in a few opulent hands, they could have held

it back from market, and by that means in some degree kept up its price to a little above par, and prevented those fatal consequences which so immediately followed. When small operations of finance were to be undertaken, he was convinced that an open subscription was the most beneficial to the public; but in the midst of a war, when great sums were to be borrowed and funded, and a great deal of unfunded debt was floating in the market, he was thoroughly convinced that an open subscription would never answer.

His lordship said, that though the war should be continued, we should still have the means of carrying it on with vigour, and be enabled to procure as much money as we might want. If the terms of the loan were hard, our credit was good, and in high reputation; and though it might not be thought necessary or proper in the future prosecution of it to continue borrowing and funding, means might be devised for raising the necessary supplies within the year. Such a plan, he was satisfied, would be productive of many benefits, nay singular advantages. It would tend to raise the value of the funds already in being; it would rouse the people at large to the most vigorous exertions; it would fully restore public credit. He did not pretend to determine exactly, whether such a plan was, or was not, practicable. He thought there was nothing very difficult in it, if there was a full confidence in government. Holland, he understood, had done it; and he could conceive no reason why Great Britain might not do what any other nation had done, or might not set the example, though no such plan had been adopted before. It was true, that great sacrifices must be made, and many gratifications given up; but, if the measure should become necessary, that consideration ought, and he believed would, give way. The honour, the glory, nay the very existence of this country might require it. He threw this out only loosely; for though war was necessary at present, peace was the object which he still held in view. There were only three events that struck him, which could render peace desirable to any man who had the interest and glory of his country at heart. These were, the return of America to her former state of obedience; the relinquishing her connection with France; or France relaxing in her demands: they were in a manner connected together. The two former no man was at liberty to pronounce upon,

and the latter there was little probability of at present. In such a state of affairs, it was therefore fair to presume, that a prospect of peace was at a considerable distance.

It must be admitted, that the war had not been altogether equal to our expectations. But in another year there was every ground to hope it would be better. To that period he wished to direct the attention of the House, and he did not fail drawing by that time, should it be requisite, the most complete and ample resources from the East India Company; in whose welfare the public had taken so large a share, and in whose success it most undoubtedly ought to participate to the very utmost. His lordship drew a comparison between the finances of this country and those of France, in the course of which some very handsome compliments were paid to M. Necker, the French minister at the head of the finance, and the advantage of finance shewn on our side; after which his lordship took occasion to observe, that notwithstanding the boasting made by France, that all her supplies had been nearly expended in their navy, yet it had been very far from making a respectable appearance. Upon the whole, a confidence in ministry, the noble lord thought highly conducive, at this time, to the interest of the public.

Mr. Fox said, he rose to expose the futility of the argument used by the noble lord, who was still, he observed, at his usual ingenuity, attempting, as he ever had done, to defend his conduct, because it had not been in his power to do better. Yet, another year we might possibly do better, and to that period men were to look for the salvation of their country. How long had this language been held? How many years had we been taught to expect what we were to trust to another season? He would intreat the House to look to the difficulties the noble lord had met with in negotiating the loan for the present year, though the noble lord had told the House, and that with a degree of confidence that should seem as though it were true, that the nation was far from being in a bad situation. But how was it last year? Even then it would have been impossible for the necessary supplies to have been procured but for the duplicity, not to say dishonesty, of the minister, who had given the subscribers every reason to believe, that we should not be engaged in a French war, though at that very time

the ministry were in actual possession of dispatches from lord Stormont, informing them that the treaty between France and America had been signed.

Mr. *Burke* said, he could not help expressing his astonishment at the insolence of telling the House that new taxes might be raised without being burthensome or oppressive to the people. Good God! after all the enormous supplies that had been voted, and nothing done, was the House, was the nation, to be told that new taxes were to be raised! He lamented that 15 millions more were to be lavished away against America. The difficulty the noble lord had met with in getting the loan done, was what he was not surprised at. Yet we were not so poor, but that we might hold out another year. We still might keep ourselves above water. What a happiness was that! We had expended above 30 millions,—and we were not yet totally ruined! We still were able to pursue the American war. But not in the usual way. No, we were now to have a curious abridgment. A little, pretty snug war was now to be carried on.

Governor *Johnstone* observed, that by a mention of the American war, he felt himself called on to deliver his opinion. He had often said, that the reduction of the Americans was not impossible, and that we were equal to the task; but then he expected that the war would have been pushed on with spirit and activity; for it was only by that means that we could become victorious. He was happy that his opinion was confirmed by the last breath of the earl of Chatham, who would never consent to give up America. We had at present very pleasing prospects before us; the success in Georgia was flattering, and our feats on the island of St. Lucia gave a lustre to our arms. The next accounts from the East Indies, he made no doubt, would bring advice of the destruction of the French force in that part of the world. The present state of America fulfilled his prophecies; the Congress was divided, as much as ever he had foreseen and foretold; the paper money had sunk from 6 to 12 per cent.; and general Washington had written to the Congress, to inform them that he could not keep his army together, unless means should be contrived to raise the value of the paper currency. The French complained of the Americans, and these in their turn complained of the French, while both seemed very little satisfied with their connection. Not to act

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with vigour at such a crisis were madness. The empire of the sea was at present the great object in dispute. Some mismanagement on the 27th of July had prevented us from completely deciding that point; he did not mean to injure an unfortunate man going to trial; but misconduct there certainly was somewhere on that day. Now to abandon Canada, Nova Scotia, the Floridas, and Rhode-island, would leave the Americans at liberty to let loose all their privateers against our islands; and if they should fall, the whole contest would be at an end. The empire of the sea would be gone, and it would be out of our power ever to recover it; for America was so situated, that what with the raw materials she had herself, and the assistance she could draw from France, in canvas and cordage, she could soon raise a navy, that in conjunction with that of France, would beat us out of the seas. What she had done already, though hard pressed by a war, might give room to guess at what she might do, if she should enjoy some years of peace. The situation of their country, full of creeks and bays, and intersected with navigable rivers, made the watery element almost natural to them. From all this he concluded that our contest with America was not for revenue but for empire; for if they should triumph, all our glory would be at an end. M. Neckar was certainly averse to the war, because it deranged his plans of œconomy; the merchants of different ports had sent remonstrances to him; the people in general disliked the war, and some of the most illustrious characters in France were ashamed of the perfidious part their court had acted; the ruin of the French trade would soon make them tired of a war which was attended with ruin and disgrace. At such a time was it proper to relax? In his opinion we should redouble our efforts, and we should soon put a glorious conclusion to hostilities.

Mr. *Fox* maintained, that though lord Chatham would not give up America, it was because he wished to regain it by a peace; at all events he never had contended that our troops should remain in America; with the late noble earl it was a maxim, that America was not to be conquered in America; he would have made continental connexions, and forced France to defend her dominions against a host of foes.

Governor *Johnstone* answered, that though lord Chatham might not have

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thought it necessary to fight the French in America, yet he never, surely, would suffer an army to remain inactive in America. For his part, he would keep the army there, reinforce, and make it act with spirit, in order to subdue the rebels: if his hon. friend would bring the army back with the intent of facilitating the conquest of America, their object was the same, but the means as different as they could be; so different, indeed, that he thought it his duty to ask his hon. friend whether he intended to give up America or not? He had asked the noble lord if the American war was relinquished, and he received an answer; his hon. friend was therefore bound to answer the question he then put to him. There was no man who had a more sovereign contempt for the present administration than he had; but he had still rather give them his support, while they seemed determined to prosecute the war, than those who, if they were in office, would abandon it. We wanted nothing but spirit; redoubled efforts would secure us success. If Spain should declare against us, should we crouch and give up the contest? No! like Britons who never shew more magnanimity than in distress, we should strain every nerve to face every enemy. When France beat us, and the Dutch with us, out of the English Channel, and with a broom at their mast-head swept our own seas, did our ancestors despair? No! they gloriously exerted themselves, and soon snatched the sceptre of the seas from France. When Russia, Denmark, Poland, and Saxony, all declared against Sweden, did the young Charles 12 implore the mercy of his enemies? No! like a hero he opposed, and by the vigour of his exertions, in six weeks time dissipated a storm that threatened his kingdom with nothing less than absolute destruction. Did the king of Prussia, when opposed singly to a continent in arms, decline a war, and poorly sue for peace? No! he bravely opposed himself to the danger, and by his spirited exertions, made the conclusion of the war as glorious to himself, as it had threatened to be fatal. Let Britain do the like, and victory would every where attend her colours: for spirit and perseverance overcome every opposition.

The Resolutions were then agreed to.

March 1. Lord North opened his budget. He began with saying, that his opponents had endeavoured to establish the

following propositions: that the deficiency of the house and servants tax shewed the inability of this country to bear greater burdens than those she at present laboured under; and that the plan alluded to by him, of raising the supplies within the year, was totally impracticable. The first was a fact accompanied with no reasoning whatever; the second was mere speculative reasoning, without any proof to support it. The conclusion was, that the whole of the deficiency arose from the real produce of these two taxes; whereas, the greater part of it arose from the operation of the servants tax having been postponed for a whole year, and both the servants and house tax being not properly collected. False entries, and lists of the number of servants kept, were given in and received; the houses were under-rated, being set down at the ancient rents, instead of the real value. Warehouses, &c. contrary to the meaning and intent of the Act, were exempted; and, where no ancient rent existed, the new assessment generally favoured the person who was charged to the tax, to the great detriment of the revenue. The conclusion was, therefore, ill-founded, to the extent contended by them; for the general or annual defalcation from the sum, for which these taxes were taken, bore no proportion to the real produce, when properly collected. The determination of the commissioners had been appealed from, and a reference made to the judges, who were of a contrary opinion with the commissioners. The latter however had not acceded; and, in order to put the matter out of all doubt, he meant shortly to propose some amendments in both Acts.

As to the impracticability of raising, in any given situation of things, the necessary supplies within the year, he begged to say a few words in answer to that objection. It had been contended, that whatever any man contributed out of his usual expenditure; that was, more than he already contributed to the general support of the state, in the usual and established mode of taxation, would disable him proportionably to contribute to the exigencies of the state, through the medium of the taxes already established; a person who contributed a certain sum must retrench some of his ordinary expences. Thus, for instance, every former gratification he abstained from, would tend to lessen the revenue, and what the public received in one hand, she would give away with another. This,

he said, would be by no means the case ; for, although the proposition might be partially true in respect of some persons, the money being called into circulation, and the greatest part of it spent within the kingdom, the nation would lose nothing, great numbers of people would be benefited ; and, at the conclusion, the nation would be a gainer, as she would incur no additional debt. What was taken in one way from the people, would be given in another. The merchant, manufacturer, and mechanic, would be able to spend more, though others would of course spend less ; so that, on the whole, the total inability to spend would be nearly the same, and neither the present generation nor posterity would be obliged to provide for the interest of new loans. He did not, however, look upon himself pledged to prove the practicability of the plan, or as standing engaged to carry such a plan into execution. All he said was, that he believed it was practicable, which he still thought, though he did not pretend to say that he knew the means of carrying it into execution. If, indeed, the extraordinary aids within the year were to be lost to this country, the deductions would be fair and conclusive ; but as the nation would still retain the whole of the property, and no material difference would arise but the change of owner, it could not affect the general consumption in any great degree, if at all.

His lordship then proceeded to propose the new taxes for paying the annuity to be incurred by the loan. These, he said, were intended to be a surcharge of 5 per cent. on the net produce of the customs and excises, and a tax upon post-chaise horses. To come at the probable produce of the surcharge tax, it would be necessary to state the amount of the funds on which it was to be laid, the customs and excises. The average produce of the excises, after deducting the drawbacks, on an average of the three last years, was 5,520,417*l.* ; customs ditto, 2,519,403*l.* ; total 8,039,820*l.* A surcharge of 5 per cent. on the above would be 401,991*l.* : from which deduct the surcharge on the brewery, which was 87,470*l.* ; the net produce of the surcharge tax will be 314,521*l.*

The tax upon post-chaises, at the rate of one penny per mile, allowing each hired chaise in England, of which there were 4,000, to go two stages each day, it would produce a daily income of 600*l.* per day, or 219,000*l.* per annum ; but, deduct-

ing one-fourth from this computation, he would take it at 164,000*l.* which added to the 314,000*l.* made in the whole, 478,000*l.* The interest of seven millions borrowed at 6½ per cent. was 472,000*l.* so that, according to this computation, the sum of about 6,000*l.* would remain to be carried to the credit of the sinking fund.

In the course of his speech, he went into a great number of minute computations, in order to shew the very little effect the surcharge duties would have upon the customs and excises, so as to reach the consumer. The brewery was exempted, because beer was a great article of consumption with the lower orders of the people ; and if agreeable to the committee, he would exempt soap, candles, and leather from the surcharge. The amount of those duties, taken upon an average of the three last years, was 700,000*l.* consequently the surcharge, if computed upon that sum, would be about 35,000*l.* If the committee should agree to supply this deficiency in any other manner, he was perfectly satisfied ; and on that supposition two modes had suggested themselves for effecting it, without laying on any additional burdens, these were either restraining or entirely taking away the privilege of franking of letters, or taking off the prohibition of the importation of foreign cambrics. Here his lordship was entering into a very wide field, to shew the abuses that had crept in the exercising of the privilege of franking of letters, but was interrupted by a general murmur of disapprobation ; on which he stopped short, and proposed the taking off the prohibition of foreign cambrics. He said, the prohibition answered no end whatever, that the same quantity was imported, and that the law answered no end but diminishing the revenue, and giving encouragement to smugglers. He would therefore take the duty upon cambrics in his account for the sum it usually produced when the importation was permitted, in lieu of the surcharge-tax upon soap, candles, and leather ; the difference between the two would be but trifling, the cambric duty generally producing from about 32,000*l.* to 35,000*l.* per annum. It was true that sum would make no part of the present resolution, for it would be necessary to bring in a Bill upon a motion for leave to repeal, but in effect it would be the same thing ; for when the Bill was repealed, the produce of the tax would of course make part of the supplies of the year.

His lordship concluded with recurring to the practicability and numerous benefits that would be derived from raising the supplies within the year. It was, he confessed, a matter that required great consideration, and would be accompanied with many difficulties; but he had no doubt but it might be effected. He would not wish to be understood, however, that stirring such a proposition implied any declaration or acknowledgment that we were at the end of our resources; far from it, we had still many and great resources. It was not thrown out as an act of necessity, but of wisdom and sound policy. It would prevent us from borrowing on disadvantageous terms, and would prevent an accumulation of further burthens. In short, it would render the present funds more valuable to the stockholders. There were many annuities determinable, which would, at different periods, come in aid of the national supplies, one in particular, of one per cent. on twelve millions, which would be 120,000*l.* besides several others. The charter of the East-India Company was near expiring, and in the present state of affairs, as well as in justice, assistance might be fairly expected from that quarter. There were many objects of taxation, which he forbore to mention. When, therefore, he recommended the House to turn their attention to the propriety of raising the supplies within the year, he recommended it as a plan of policy, not of necessity.

Mr. *Pulteney* observed, that he was not in the House on the 24th ult. but had heard, that two hon. gentlemen had controverted some positions in a pamphlet of his lately published, particularly his hon. friend near him (Mr. *Burke*.) He understood, that the ground of objection stated by that hon. gentleman was, that whatever was given in aid by the faculty-tax, mentioned in the pamphlet, which was a tax of 15*s.* per cent. on what each contributor was worth, would proportionably disable him from contributing in the ordinary mode to the established taxes of the state. On the contrary, he thought it would not only prove of public, but individual benefit. Whatever property he possessed, whether in lands, houses, stock, &c. would be of more intrinsic value, and to those who were to derive under him. In a public light, the advantages of a public contribution over a loan, must be obvious to the meanest observer; and he was entirely of opinion, that the

money raised within the year, would all remain within the kingdom, or shortly return to it; so that instead of receiving with one hand, and giving it away with the other, respecting individuals, it would only be a transfer of property; and as to the state, the immediate and future benefits would be immense and permanent. To strengthen his argument, he contended, that no nation could long support a war, on the scale of expence and the exorbitant interest we were obliged to pay for the money borrowed. Some such plan, as that laid down in his pamphlet, must be adopted, or the nation would be undone. He condemned the terms on which the present loan was negotiated; but presumed no better could be procured. When the noble lord knew what advantages the subscribers sought he should have taken care to have satisfied them in the manner least detrimental to the nation. That his lordship might have easily done, by making the whole operation in the 3 per cent. consols: it would have made an immediate saving to the nation of upwards of 140,000*l.* per annum, which, in the course of 29 years, would go very near to extinguish the whole of the loan within that period, should the 3 per cents continue much under par.

Mr. *Burke* said, that the raising the supplies within the year, must solely be drawn from property, either lands, houses, stock, or moveables. That it was presumed, and well understood, that most men in this country lived to the extent of their incomes; consequently, every shilling drawn from their pockets proportionably unfitted them for purchasing the gratifications or luxuries of life. If the tax was a tax upon those who lived by their labour, it would to all intents and purposes be a tax upon the necessities of life; if upon property, it would, however given or received, amount to a tax upon the luxuries or gratifications of life; so that in either or both events, it must reach the consumer and the commodity, and ultimately the revenue be drawn from the consumption. If the manufacturer, merchant, or mechanic was less employed in their respective professions, it would affect them equally with a tax, and that it must was evident; because their employment must bear a proportion to the demand for their merchandize, labour, or manufactures. That a few individuals would be enriched by this mode of raising the supplies was certain, but that the

whole mass of people, as well as the public revenue, would be impoverished, was equally true.—He rose, he said, only to point out the fallacy of the noble lord's reasoning, lest any person should be deceived by it. He would, for instance, ask the noble lord, whether the tea duty or excise did not produce half a million annually? Now, upon the noble lord's hypothesis, he presumed, that after the supplies within the year were raised by aids drawn from property, there would not be as much tea drank, or any other given commodity, of what might be called mere articles of luxury. The idea was equally ill-founded and absurd. No man had any motive for securing or increasing his property, but maintaining himself, providing for his family, or from avarice. These would all continue to operate upon his conduct in every situation; their operations were natural, systematic, and uniform. So long, then, as they directed his conduct, it was to be presumed, that they would prevent him from adding to the public stock, without retrenching his expences. When, therefore, these motives ceased to influence human actions, then would the noble lord's plan be practicable, but not a moment sooner.—He observed what pains the noble lord took to divert the attention of the committee to extrinsic matter. He says such a plan may be practicable; but says he does not know the means. That is, he affirms the practicability, while he acknowledges that he does not know that it is so. Again, the noble lord has given a descant on the brewery, and the ability of the brewers to pay the tax, without raising the price of beer to the consumer; but what is all this for? or to what purpose? Only to tell you, that he does not mean to tax the brewery. He desired the noble lord to consider the possible consequences which might arise from laying additional duties upon commodities used in our manufactures; which, if too high, would probably affect both our manufactures and commerce.

Mr. Fox particularly remarked on the confidence with which the noble lord spoke of great resources, and the facility of procuring future loans, when all the House had to do to be convinced of the fallacy and designed delusion of such declarations, was to recollect when the noble lord, so lately as the preceding Wednesday, openly and repeatedly acknowledged, "I wanted eight millions, but after the

most strenuous efforts, was not able to procure more than seven. I pressed the subscribers on the necessity of getting the other million, but was not able to prevail." How far this recent declaration accorded with the pretended resources and ability of this country, he left to the noble lord to reconcile. He would likewise wish the noble lord to recollect the deficiencies in the servants and house-tax, no less than nearly one half, and see what right he had to expect any credit on the probable produce of any tax which he might think proper to propose. The noble lord had, indeed, confessed he had been mistaken in his computation of last year; he expected to hear the same confession from his lordship the next.—His hon. friend, who had just sat down, said, that though the taxes were far from being what he could wish, such was the state of public credit, that he would agree with them, because he could not himself propose better. He affected no such candour; such a language, should it become prevalent, would be little short of the surrender of the rights of parliament. The question was open to every member present, to approve or object to. He might object, and see the impropriety of a tax, and yet not come prepared to substitute another in its room. Every member was not a Chancellor of the Exchequer, nor could the most intelligent come sufficiently prepared, when intricate operations of finance were to be submitted to their judgment, to substitute another, instead of the plan proposed by government. For instance, the terms of the loan were strongly objected to the last night by him among the rest. If the House were acquainted with them, previous to their being proposed, and that gentlemen had time to turn the matter in their thoughts, they might frame reasons, and make use of arguments sufficient to shew, that the bargain was a bad bargain, and that the subscribers might be equally well secured, and still a very considerable saving made to the nation.—He said the noble lord's detail was calculated to draw the attention of the House to mere trifles, or to waste it in an account of what might be done, but what his lordship did not mean to do. The noble lord tells you that the additional 5 per cent. on the produce of the customs and excises, is but a mere trifle, and can be therefore easily borne. The noble lord may tell you so the next year, and the year after; but is the noble lord

sure that the original fund on which this surcharge is computed, will continue equally productive? Is he certain, that the decay of trade in one instance, and this additional tax in the other, may not both affect the import and consumption? If the excise and customs have decreased so much within the two last years, what security has he that they will not decrease in a larger proportion the next? or that the sinking fund, which has produced only two millions within the last year, will produce half that sum the next? or that instead of raising the interest of the money borrowed upon new taxes, we are not, in fact, mortgaging the produce of the sinking fund, to new creditors, after having already pledged it, by the most solemn sanctions of parliament, but to the old ones?—The noble lord had complained of the evasions made use of, in order to defeat the servants' and house-tax, by which means, the Acts which imposed them were prevented from a due and legal operation. His lordship seemed to insinuate, that this arose from the partial conduct of the commissioners appointed to carry those Acts into execution. This was, at best, but an assertion without proof, and must be received as such; the noble lord, it is true, called in the authority of the judges to his support; this, he was bold to maintain, was an extrajudicial opinion. The appeal lay to the commissioners, and they were fully competent to decide upon it. But, said the noble lord, I will move to amend those Acts; Why not state the amendment to the House? The truth is, the noble lord knows that the taxes, however the Acts may be amended, will still be deficient, as well as he knows, that the present new ones will fall considerably short of what he has taken them for.—He concluded with some observations on the tax upon post-chaises, as tending to prevent that free communication, which was one of the great causes of our present flourishing state; and attended with such difficulties and expence in the collection, as would occasion much injury, and be of no material service to the revenue.

Lord North replied to the two hon. gentlemen who spoke last. He said, that one of them (Mr. Burke) supposed every man was influenced by pleasure and avarice; and that he who gave to the state, if he came under the first description, must retrench his expences and abstain from gratifications; and that the avaricious

man would spend no more than he did before, and would deduct whatever he thus contributed from his usual expensiture. The proposition was far from being well founded; he hoped that there were many influenced by other and more generous motives; numbers would support government that were neither spend-thrifts or misers. The hon. gentleman had condemned the appeal to the twelve judges, and supposed that the commissioners were competent to finally decide. He esteemed the gentlemen in the commission as a very honest respectable body of men; but however favourably he was disposed to think of them, he could not put their opinions on the footing of so solemn a determination. There was a clause in the Act which gave a dernier appeal to the judges; and, as to the decision itself, he looked upon it to be a most respectable one, for he believed that the benches in Westminster-hall were occupied by as independent a set of men as ever sat there.

Mr. Burke had never said that gratifications and avarice were the only two motives to human actions. What he said was, that gratifications, avarice, or making a provision for one's family or posterity, were the leading causes which operated in general with mankind, which he was ready to maintain, and follow it with his first conclusion, that every man, who contributed in a private or public manner, whether by tax or gratuity, would, upon some one of those motives, find himself obliged to retrench his ordinary expences, and of course abstain in a greater or less degree from those gratifications by which he formerly contributed to the support of the state.

Sir Richard Sutton said, that the hon. gentleman who spoke last had misconceived the idea thrown out in the pamphlet of his hon. friend, and the arguments resorted to by the noble lord; for the question was not, whether a man could pay out of his annual income what he wanted to raise by way of mortgage upon that income, but whether the nation, upon a public emergency of the first importance, could, in its collective capacity, raise 15 millions within the year.

Mr. Cornwall contended that the 5 per cent. duty would be easily collected, and, if any difficulties should arise in the collection of the post-chaise tax, it might undergo a revision the next session, when the substantial objections made to it, and

founded in experience, might be readily removed.

Mr. T. Townshend said, that when the house-tax came under the consideration of the House, he believed that it would appear to have been executed very partially. Out-houses were charged rated; which was not the intention of the legislature; favour was shewn in some instances, and the utmost rigour exercised in others. He was rated for his house in the country, which was no more than a cot, 40*l.* while he understood that the noble lord who possessed a family mansion in the country, was charged but 10*l.*

Mr. Bailey complained greatly of the additional tax upon sugars. He said he and his family paid duties to the amount of 30,000*l.* a year, and that the additional tax 5 per cent. would affect his property greatly, and was indeed more than the planter in any part of the West Indies could, in the present situation of affairs, well bear. His own part of that sum, which was paid into the exchequer, was nearly 20,000 guineas net money, which was more than what he received clear after all deductions and outgoings, so that the duty upon sugars, before the present tax, was fully equal to cent. per cent. of the clear produce. Therefore, when the noble lord represented the additional tax to be only 4*d.* per cwt. upon sugar, now worth 64*s.*, and 2½*d.* upon rum, worth 8*s.* per gallon, his representation was fallacious, and served his lordship's present purpose, that of misleading the House; for he must have known that the planter not only paid the duties, which were almost 7*s.*, or ¾*d.* a pound, but likewise 10*s.* freight, and an insurance equal to one third part of its value. His lordship could not forget how low the price of rum was in Jamaica; for he could not forget the offer he made to him of taking the contract, which he made with Muir and Atkinson at 4*s.* 4*d.* per gallon, at half that price, or even less upon a large transaction. He then spoke of the very spirited exertions the people of Jamaica were making for its defence, an expence amounting to 4,000*l.* per day, or about one million per annum. This brought to his recollection one circumstance, which, with many others of a similar nature, might easily account for the great desire his Majesty's ministers had to continue the war. It was relative to the son of the noble lord over the way (G. Germain) whom his lordship had appointed receiver

general of Jamaica, which entitled him to a poundage of 5 per cent. on the public receipt. This, upon 4,000*l.* a day, made upwards of 70,000*l.* per annum. All wonder therefore must cease at ministers being fond of perpetuating this bloody and destructive war, when they were urged on by such powerful incentives. But he would have them shorten their mad career, and take timely warning not to oppress the West India islands too much, lest they should lose them as they had already lost North America; and the noble lord, in particular, lest his infant son should lose that very lucrative office he held in Jamaica.

The Resolutions were agreed to.

Debate on Mr. Fox's Motion of Censure on the Conduct of the Admiralty, in sending out Admiral Keppel with too small a Force.*] March 3. The order of the day being read,

Mr. Fox rose. He began with remarking, that the orders of the House had been disobeyed; that the papers moved for some days ago, being copies of those found aboard the Pallas and Licorne French frigates, had in part been with-held; and such of them as had not, were not produced till since the House met, by which means the members were prevented from knowing any thing of their contents. The papers alluded to, had been transmitted by his hon. relation, (admiral Keppel) to the Admiralty-board; and though moved for on the first instance, and though they could be copied in a few minutes, they were with-held. Such a conduct would fully justify him, in postponing his motion, that gentlemen might have time to peruse the papers; but as he meant to state them as part of his speech, it would answer the end he proposed, which was to shew the comparative strength of the respective squadrons, at the time the honourable admiral quitted the Channel. There was still something which had a worse appearance than the mere delay; that was the omitting entirely the letter from the admiral, which accompanied the enclosures.

He then proceeded, and in a prefatory discourse, after stating the seeming ad-

* At four o'clock, the House presented a most respectable appearance; not a single seat was unoccupied in any part of it, and upwards of fifty members, for whom there was no room in the body of the House, were obliged to sit in the side galleries.

vantages which governments merely monarchical had over those limited or mixed, made the following observations. The general opinion, which prevailed was, that in governments merely arbitrary, or where the direction of the power, force, and resources of the commonwealth were vested in a single person, or in a few, all the functions of government were performed with greater facility and dispatch, particularly in times of war. Secresy, which was the life of counsel, was secured; dispatch and vigour were only bounded by the abilities of the state. The blow was struck, or the necessary precautions were taken, as it were, before the cause was known; and the people acquiesced in the power and wisdom of their rulers. On the other hand, in governments where the political machine consisted of different movements, where its parts were more complex, and the motion of the whole depended upon a combination of various movements, its motions were slower; they were regular, but less vigorous; they were liable to be defeated, because their stated progress was made public, before the proposed effect could take place.

This was a speculative proposition, that no man could deny. Indeed on the first hearing, it commanded assent. It was an abstract proposition, equally clear, that those advantages arising in arbitrary governments were balanced by others enjoyed in free governments. The latter were better calculated for times of peace. Men were more effectually protected in their persons and properties; they gave encouragement to the exertions of private individuals; they called forth talents out of obscurity, into the service of the state; they were favourable to mercantile adventure, to the extension of trade and commerce; they inspired a love of country, and a spirit of honest independency; in short, free governments, while they put every man upon a level, and rendered him independent of every thing but the law, combined every member of the society in one common interest, and created a personal, as well as public pride, which, when properly directed and judiciously restrained, was the strongest excitement to great and glorious actions.

Such were on one hand, the advantages that in theory were supposed to be annexed to governments, where the whole power of the community was vested in, and exercised by, a single person; and such on the other, were the distinguishing charac-

teristics of governments constituted upon the broad basis of public freedom. But, although in theory, each proposition seemed equally evident, experience held a different language. The truth was, that the arts of peace had not, at all times, been more successfully cultivated in states republican and free, nor yet those of war, in countries purely arbitrary and despotic. No nations had been more successful in war than those in which the body of the people had a share in the public counsels; none had oftener failed, than those who excluded them entirely from interfering in the administration of public affairs.

The ancient republics of Greece and Rome exhibited the strongest proofs of the former. This country would remain a monument to the end of time, of the fortunate and almost irresistible exertions of a mixed government. Holland and Switzerland further confirmed the truth of this proposition, That no form of government is so well calculated for the happiness of its subjects, for internal prosperity, and external strength, as that in which the power is delegated by the people, and exercised by the executive power under their controul.

The reason which struck him was this: the legislative and executive powers of the state, being separate and distinct, the crown and its ministers are conditionally vested with as much power as is necessary for the discharge of the trust committed to their care. The executive power may make peace and war; may enter into alliances; may incur expences; may, in short, adopt every measure, which the terms of such a trust can be supposed to imply, in as full and ample a manner as they think proper; followed only with this single condition, that they are responsible to parliament for their conduct. If they act negligently, corruptly, or traitorously, they do it at their peril—at the hazard of their lives, honours, and fortunes; whereas, in arbitrary governments, where men are subject to the same failings and vices, being not subject to a like controul, or to be called to any account for their conduct, their conduct being directed by the only person in whose power it is to disgrace or punish them, so long as they preserve the confidence of the sovereign they have nothing to fear, or to deter them from giving the most pernicious counsels their ambition or personal interests may prompt them to. They have no accounts or after-reckonings to settle with the public, whom they have oppressed or

betrayed; if they have been able to flatter a weak prince into a favourable opinion of their services, or to persuade a wicked one, that their incapacity was the effect of a zeal for his person, and an implicit obedience to his commands, they are sure to be honoured and caressed at court, while, perhaps, they are execrated and detested throughout the nation.

How far the doctrine of a free government, retaining a dernier controul over the executive power, was applicable to the constitution of this country, was a subject worthy of the particular attention of the House, because it was a matter most intimately connected with the subject of debate of the present day. The controul he alluded to, was the inquisitorial power vested in that House; a controul, which he presumed no gentleman present would deny had been so beneficially and successfully exercised upon many former occasions. It amounted fairly to this: We have confided in administration, for the effecting such and such purposes, which can be better brought about by the few than the many; the trust is conditional; we, who have delegated the power, reserve a right to withdraw our confidence, when we discover that it has been improperly bestowed or abused; a want of ability or integrity, equally disqualifies the persons intrusted, and subjects them to punishment or dismissal, according to the particular circumstances of the case. He said, parliament might forbear the exercise of this right of punishment and enquiry, but they could not divest themselves of it, it being of the very essence of the constitution: they had a right to exercise it in two ways; the one by way of prevention, the other judicially. It was the duty of parliament to remove, upon good grounds, in order to put a stop to further evils. Wicked and weak counsellors were proper objects of removal, in the first instance; of condign punishment upon a constitutional investigation, and legal proceedings, in the second. Parliament stood between the people and the executive power; and it was only through that medium the people could constitutionally seek, or legally obtain, redress.

He was free to acknowledge, that the motion of the present day was founded strictly in the principles he had now laid down; it looked immediately to removal as the first step to enquiry, and consequent punishment. It might be said, and he expected to hear it urged with

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all imaginable confidence and plausibility, "What! criminate without cause, and punish without proof! Would you condemn a person absent, and unheard?" The proper answer to these questions would depend upon the sense of the House. It would rest solely with the House to judge whether the facts he should state offered good ground of crimination. If they did, it would afterwards rest with the House, whether the proofs were sufficient to support a public accusation, or parliamentary impeachment. It would rest with those whom the constitution had appointed to decide in the last instance, to declare whether the party or persons accused were guilty; and to direct the nature and extent of the punishment.

Ministers had hitherto evaded every thing, which could possibly lead to an inquiry into their conduct, by refusing every document necessary for their acquittal or conviction; every thing which might lead to proofs of their guilt or innocence. The papers which he had moved for some days since, relative to any information they might have received concerning the equipment of the Brest squadron, afforded a recent proof of the truth of this assertion. The fate of that motion was, that it received a negative; and he presumed that many gentlemen who voted in the majority on that occasion, voted merely on the reason assigned by the noble lord in the blue ribbon: "That the disclosing secrets of state, which must be the case if the papers then moved for were granted, would be dangerous, and might prove of the worst consequence." This plausible objection would be removed. The information necessary to support the motion he meant to make, would be grounded on the evidence on the table, which contained no secrets of state; secondly, the answers he expected to receive to the questions he proposed to put to his hon. relation near him, would supply, he trusted, what was deficient in the papers; and, thirdly, nothing would or could come out but what was known to all Europe, and consequently to every gentleman present, who had turned his thoughts to the subject.

He then proceeded to state his facts, and point to his conclusions. His facts were, that although administration, or he would speak out, he meant the earl of Sandwich, the first lord of the Admiralty, had, in the month of November 1777, not by a casual expression, which dropped from him in debate, but repeatedly in an

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answer to doubts started and assertions to the contrary, made by several persons in a certain respectable assembly,* solemnly affirmed, and pledged himself in his official capacity, that there were then 35 ships of the line ready for sea, and fit for actual service, and 7 more in great forwardness, which would be ready for sea in a fortnight; notwithstanding which, early in the month of March following, when the hon. admiral, by the desire of his sovereign, went to Portsmouth to examine the state and condition of the ships, there were not more than 6 ships of the line in a state fit to meet an enemy. That after that period great diligence was used; yet, in the month of June, the force actually ready for sea was little superior, if at all, to what it had been stated in the preceding November. That early in the month of June, admiral Keppel was sent to cruise off the coast of France with 20 ships of the line only, though by the papers on the table, taken aboard the *Pallas* and *Licorne*, it appeared there were then 27 ships of the line lying in Brest water, and 5 more in great forwardness; so much so, that the whole 32 were at sea early in the month of July; which force was accompanied by a much greater proportion of frigates than the British squadron, the number being 15, including those which were cruising off Brest harbour. He then corroborated the facts stated in this narrative, by reading such parts of admiral Keppel's defence upon his trial as directly applied to, or served to confirm them. He also read the papers taken aboard the *Pallas* and *Licorne*, containing an order for providing anchorage in Brest water for 27 sail of the line, stating their rates, the flags to be borne aboard them, and that anchorage would be likewise wanting for five more, not then ready. The line of battle consisted of one of 113, one of 106, eight of 84 and 80, 20 of 74 and 64, one of 56, and one of 50 guns.

The conclusion which this state of facts supported was obvious to the most moderate capacity, and must equally strike the meanest as the most enlightened understanding, which was, that when admiral Keppel sailed from Plymouth on the 9th of June, with 20 ships, with orders to cruise off Ushant for so many days, the Admiralty board must have known that there were then 30 ready to proceed to sea in Brest water, or they were ignorant

of the fact. If the former, it was an act of the highest criminality, to risk the fate of this country on so great a disparity of force; nay, allowing that the French had but 27 ships ready for sea, the Admiralty board were no less blameable. Had an engagement happened, which must inevitably have been the case had not admiral Keppel returned into port, the consequences would probably have proved fatal to the naval power of this country. If the western squadron had been defeated, it would have probably gone to the exterminating the seeds of a navy of this country; our trade would have been ruined, our coasts would have been insulted, and there would have been nothing to prevent M. D'Orvilliers from burning and destroying our two great naval arsenals, Portsmouth and Plymouth. On the other hand, presuming that the first lord of the Admiralty was ignorant of the real naval force of France in the Bay, would not the consequences to the nation have been the same? And was not his conduct equally criminal? Negligence in persons in high trust, to whom the safety and protection of the state are committed, was not like negligence on ordinary occasions; negligence in such men amounted to criminality, and for persons in high and responsible situations to plead ignorance, in justification of their misconduct and neglect, was, in fact, acknowledging themselves guilty. But his present motion not being immediately directed to punishment, but removal, it was enough for him to maintain and prove, that the fate of this nation was committed to an unequal contest, and that those who had wilfully or undesignedly led the nation into so hazardous a situation, ought instantly to be removed, as unworthy of, or unequal to the trust committed to their charge.

It might be said, Is not removal a kind of punishment? In some instances it certainly was not. Here it was meant as some degree of punishment, or rather leading to it. The removal was incidental, not directly personal, because the object was the preservation of the state; the measure of removal was the measure adopted to the attainment of that object. He said, the Journals of parliament contained several precedents of motions of removal, not proceeded with upon evidence amounting to criminal conviction. Such were the cases of the duke of Lauderdale and lord Danby, in the reign of Charles 2; of lords Orford, Somers, and Halifax, in that

* See Vol. 19, p. 375.

of king William; of the bishop of Worcester, in the Queen's reign; of lord Oxford in the reign of George the 1st; and of several others, whose names he did not immediately recollect.* The propriety of the proceeding was manifest; for if the mischief was great and the evil alarming, and no other timely remedy could be applied, removal was the only step that could suspend, or put a period to the evil. In the present instance, therefore, if the grounds of complaint were sufficient to support the resolution, it called for nothing more to justify removal. It might be said, Are proceedings to stop here? By no means. His motion was this, he said: "That it appears to this House, that the sending admiral Keppel in the month of June last, to a station off the coast of France, with a squadron of 20 ships of the line, and four frigates, at a time when a French fleet, consisting, as there is great reason to believe, of 32 ships of the line, and certainly of 27, with a great number of frigates, was at Brest, and ready to put to sea, was a measure greatly hazarding the safety of the kingdom, without any prospect of an adequate advantage." He was free to acknowledge, that if he carried this motion, he would follow it with another for the removal of the first lord of the admiralty: and it would then rest with that House, whether the facts stated in his motion would not furnish matter sufficient to found upon it a parliamentary impeachment.

He had thus declared his objects without reserve: he looked upon lord Sandwich to be the head and mouth of the admiralty board, and of course, in every sense responsible for its conduct: and he was the more urged to say so, because it would serve to shorten the debate, and prevent the several members of that board who were present in their places, from entering into personal justifications. In their judicial and ministerial capacity they were only responsible: but as they had no direct communication with the sovereign; as they were not admitted to his councils; as their advice was never sought nor taken; as no one part of the proposition stated in the motion, though fully proved, could reach them; he did expect that the gentlemen, occupying seats at that board, would not take up the defence of their own conduct, as a proof of the innocence of

the first lord of the admiralty. If they could controvert the facts, or justify them, in that case the subject lay open to them, as it did to every other member; but as they were not answerable for the state of the navy in June last, or at any preceding period; as it was not by their advice the squadron under admiral Keppel was sent to sea; as they could not, in the usual exercise of the powers or functions of their office, be acquainted with the state and condition, the number and strength of the Brest fleet; in fine, as they were ignorant of the counsels which dictated the measure of sending admiral Keppel to sea, they must, from these several circumstances, be exculpated from all blame on that account; at least, from any thing which at present appeared to the contrary. The measure, whether wise or injudicious, presented itself to them, after it had been considered, matured, and determined upon elsewhere. They might retain contrary opinions, but, as a matter of state, previously decided upon in his Majesty's councils, they had nothing to do but to obey. The noble earl at the head of the admiralty, having all the necessary information, could only decide, and be alone responsible, and consequently he expected to hear that sort of justification which went to the measures and conduct of the noble lord, only relied upon.

He did not wish to be understood—for he was persuaded of the contrary—that even if admiral Keppel had been defeated, and a descent had been made on this kingdom in consequence of that defeat, that a conquest would have ensued; but he submitted to the House, the very perilous situation this nation, in such an event, would have been reduced to; and how incumbent it was upon the House to pass a marked censure, and express the strongest displeasure at the conduct of those who had staked the fate of this country on the issue of so perilous a contest. In the first instance, the possibility of having the seeds of all future navies, as it were, exterminated; in the second, putting us to the hazard of contending for our all with a raw, undisciplined militia, just embodied, and a very inadequate military force, mostly composed of cavalry. He would not carry his ideas as far as those entertained by the French, that a landing once made, the contest would only be, who should possess the Tower of London; but he would say thus much, that without an army, without posts, without fortresses to inter-

* See Vol. 4, pp. 625. 628. Vol. 5, pp. 1257. 1266. 1299. Vol. 6, p. 50. Vol. 7, p. 74.

rupt them in their march from the water-side, our situation would be indeed terrible. No man trusted more to the spirit and native bravery of Britons than he did; yet he could not help thinking, that in the two possible, nay probable, events, of a partial destruction of our naval force, and an invasion under the circumstances described, the ruin of our trade and commerce then returning from the four quarters of the globe, to the amount of many millions, our want of military preparation and internal strength, the effect the whole must have upon public credit, the facility of landing on our coasts, and of pouring in troops from time to time, to almost any amount, the means of supplying them with provisions in a few hours, till they had gained a footing in the country, all these held out such a correct picture of what might have been the consequences of a defeat at sea, as fully justified the highest censure of that House, on the authors of a measure, which risked at once our dearest interests, our independence, nay, our very existence as a free nation.

He commented on the part of the admiral's defence which he had read soon after he rose, and contended next that the treachery of ministers to their country, the persecution and prosecution of his gallant relation, demanded the utmost indignation of that House. He went into a variety of argumentative proofs to shew, that instead of trusting to an inferiority in any engagement in the narrow seas, on which the fate of this country might possibly depend, we ought, as an act of necessary prudence and policy, always to endeavour to have a decided superiority. Our insular situation, the nature of our internal defence, demanded such a precaution, nay, it was the very idea of the noble earl at the head of the Admiralty himself, who had said, that we ought not only to be superior to France alone, but that no person was fit to preside over the naval department, who did not, at all times, take care to have a naval force superior to that of the whole House of Bourbon united.*

He begged leave to repeat, that he wished for the fullest proofs of the truth of the facts stated in his motion; but ministers had refused them under various pretences. The House acquiesced in that refusal, and he had no more to say on the subject, so far as it respected what had

passed. The noble lord in the blue ribbon, besides saying that the papers called for would give improper information to our enemies, said, that those papers would be necessary for the justification of ministers. The moment was then arrived, when they were called upon by the nature of the motion, to produce them in their own defence. If they refused it, would it not be *prima facie* evidence, that the production of them would make against and not for them? They were refused in a very thin House, but from the present full appearance, he trusted that the House would call for them, or draw the obvious conclusion. Be that as it might, if he could not procure the very best proofs, he had submitted to the House the next best evidence, namely, the papers taken aboard the *Licorne* and *Pallas*, further corroborated, confirmed, and explained, by the testimony of the honourable admiral in his place. With that intention, and with the permission of the House and his honourable relation, he would put such questions to him, as he thought were necessary to prove to its satisfaction, the two leading facts stated in his motion, that of the number of ships under the honourable admiral, and the force under the command of M. D'Orvilliers, the day the former sailed from Plymouth.

Admiral *Keppel* rose, and expressed his feelings on his present embarrassed situation. He said, he was called upon by his honourable friend to answer to several questions, which he was satisfied would fall short of the necessary information. He never would, upon any provocation, disclose those secrets entrusted to him as a professional man. As for the information stated out of his defence, it was to the best of his knowledge strictly true. He was called into the King's closet in November 1776, and consulted by his sovereign. He gave him his opinion like an honest man, at the time, but heard no more on the subject, till called upon by his sovereign last March; the consequence of which was, that he was appointed to the command he still retained; but, to his great disappointment, when he arrived at Portsmouth, he did not find above six ships of the line "fit to meet a seaman's eye." He acknowledged, that great exertions soon succeeded; and that, considering the state of the navy at the period alluded to, compared with what it was three months after, the conduct of the Admiralty-board merited approbation,

* See Vol. 19, p. 378.

He then proceeded to state several particulars mentioned by Mr. Fox, till he came to the taking of the Pallas and Licorne, where the papers read at the table were found. He affirmed, he was never more distressed in his life, than on the struggle which arose in his breast upon the occasion; a struggle between his feelings and his honour, and his duty to his king and country. His love of his country, however, at length prevailed, and he turned his back on his enemy for the first time. He returned to his native country with grief and anxiety, and lamented that the public safety made it necessary, or that fate should have determined that the severe lot had fallen to his share.

He was severe upon administration; said, he had been open and explicit all along; and that he little expected that when he had opened the real sentiments of his heart to the first lord of the Admiralty, any intentions to ruin and betray him were in contemplation. He was not conscious of giving any cause of offence, unless pointing out to administration where they were wrong; not for the purpose of finding fault, but in order to prevent the like in future. When he determined to return home, he threw himself on the judgment of his country, whose safety and protection was his principal object; for, had he followed his own feelings, he certainly should not have returned, be the consequence what it might. He went into several other particulars, in the course of which he bestowed the highest commendations on the conduct of lord Howe. He disclaimed all connections with administration, at any time; and said, that, considering his state of health, and the uniform conduct of the Admiralty-board, it would not be prudent, nor in any way consistent with his honour, to serve again under the present board of Admiralty.

Mr. Fox now proceeded to put the questions to him, as a member, delivering his testimony in his place. The first question he put was, How many ships of the line had he under his command, when he sailed from Plymouth?—Twenty. How many frigates?—Here

Mr. Brett rose to desire that the questions might be taken down in writing. The noise being very great, lord North and lord Howe rose at the same instant, but the first thing that could be heard was lord Howe's desiring that the admiral's evidence might be taken down in writing.

Lord North objected to this proposition.

He said, that no notice having been given that witnesses were to be examined, it was extremely improper. It would amount to evidence only on one side; and if any motion was meant to be engrafted upon the evidence thus given, the House could come to no resolution upon it, because it was no more than partial evidence. He did not apply the word 'partial' to the hon. admiral, but merely to preserve the order and regularity of proceeding, which in matters of accusation always supposed, before any decision was had, that witnesses were examined on both sides.

Sir Grey Cooper adopted the same idea, and contended, that no step in a criminal prosecution could be taken till the party was informed of the nature of his accusation, in order that he might be enabled to repel the charge by contrary testimony.

Mr. Fox replied, that his motion contained no matter of criminal accusation; that, in its utmost extent, it led only to removal; that another species of evidence must be adduced to support a criminal accusation; consequently, that the principle laid down did not apply. The House, when the evidence was given, would be the best judge whether it was sufficient to support his motion upon a plain matter of fact; if, in the month of June last, admiral Keppel received orders to proceed off Ushant with 20 ships of the line, while there were for certain 27 ships of equal force lying in Brest-water: and if this fact was proved to the satisfaction of the House, his motion must go; and then the question of the noble earl's removal, as first commissioner of the Admiralty, would next present itself to the consideration of the House. He begged leave to repeat, that removal did not imply legal guilt, or consequent punishment; that the spirit of the constitution, and the usage of parliament, contradicted any such idea: that there were numerous precedents in support of this doctrine, and particularly in the year 1674, there was one in point, when a charge of an offensive nature being made against the duke of Lauderdale, one or more members rose in their places, who testified that they had heard him tell the king, that "Your majesty's edicts ought to be obeyed; for they are equal with the laws, and ought to be observed in the first place."* What was the consequence? The House, against which the communication was made, instantly agreed to an

* See Vol. 4, p. 625.

address to the throne, to remove Lauderdale from his presence and councils for ever.

Mr. Cornwall objected to taking down the evidence of the hon. admiral in writing; observing, that the precedent cited did not apply, only as to the removal; for it did not appear that the evidence alluded to in the case of the duke of Lauderdale was committed to writing.

Mr. T. Townshend remarked with severity on the word 'side,' used by the noble lord in the blue ribbon. He hoped that, in a matter which concerned the safety of the state, he should have heard nothing of the word side; but now he was fully convinced, that the whole of the business was conducted on the principle of the word side; that side had sent out the admiral with an inferior force; that side had refused to thank him for saving his country at the risk of his own honour and personal security; that side had depreciated the victory of the 27th of July, and called it a defeat; that side had instituted an ill-founded and malicious prosecution against him, as a reward of his high and meritorious services; that side had refused to testify any mark of displeasure at the conduct of his accuser; that side had, on the contrary, shewn every mark of approbation to the accuser, and afforded him all the protection they dare, consistently with their own immediate interests; and that side, by the same spirit of rancorous persecution and malice, was determined to drive the hon. admiral for ever from the service of his country. He spoke likewise to the point of order, and said it was to the highest degree absurd to talk of receiving evidence, and refuse the making any use of it, which must be the case if not committed to writing.

A prodigious uproar now succeeded; order being, however, restored, the Speaker said, the evidence must, if received, be committed to writing.

Lord Howe proposed that the questions, as well as answers, should be taken down.

Mr. Byng quoted a precedent in point from the Journals, on a debate upon the miscarriage of the last Dutch war, when the duke of York, afterwards James the 2nd, commanded; for, upon a question of fact arising in the House, it appeared in the Journal, which was read by the Clerk, that evidence was immediately called for, given, and taken down in writing.

Lord North, in reply to Mr. Townshend, on the word 'side,' called upon

the Speaker; who answered, that no question could be taken down in writing, in order to frame a motion upon the evidence, unless the House was in a previous enquiry.

Mr. Byng appealed again to the precedent recited, and added another respecting the examination of the sheriff at the bar, in the case of the Brentford riot, at the Middlesex election. He observed the very disorderly, unfair manner, the House had proceeded, in respect of the right hon. baronet over the way (sir W. Meredith) who had presented himself three or four times to the House, and though he had a paper in his hand, which he presumed was a motion, he was as often obliged to sit down, and two or three times to give way, particularly to the noble lord in the blue ribbon.

Mr. Attorney General took up the precedent so much relied upon by the hon. gentleman who spoke last. He said, it appeared by the precedent, that there was a committee sitting at the time of the miscarriages on the Dutch war, and that the evidence given before the House was referred to that committee.

Sir W. Meredith then moved, "That the questions proposed to, and answers made by, admiral Keppel, be taken down at the table as evidence."

Lord North rose in warmth, and said he had a motion to make as well as the right hon. gentleman; it was not indeed committed to writing, and if the hon. gentleman made his, he would move the one he intended by way of amendment. His amendment was, "no enquiry having been instituted by the House." He then used several violent expressions, and after observing that the Speaker had already given his opinion against committing the evidence to writing, made use of the following words: "The House is bound by the authority of the Chair in all cases whatsoever."

Mr. Fox moved, that these words be taken down. This gave birth to great confusion. The words given to the Clerk to be taken down, were not the exact words spoken; the uproar being too great for the Clerk to hear, or the members to recollect.

Lord North rose to palliate, but refused in effect to explain; but at length he qualified the expression in the following manner: "The House is bound by the power of the Chair in almost all cases, if—and here he said he was interrupted—if the House

should so determine.”—This apology was accepted.

Mr. Dempster called upon the Chair to give his opinion. He contended it was his duty, and in the warmth of expression said, if he refused, he would complain of him to his constituents.

The *Speaker* said, he had no predilection one way or the other; that in the performance of his duty he cared for neither side of the House; that he did not dip in the politics of any or either party, and he called Almighty God to bear witness, that what he was going to say, proceeded from his real opinion. His opinion then was, that the evidence could not be committed to writing, unless there had been an enquiry before the House.

The question being put upon lord North's Amendment, the House divided:

Tellers.

YEAS	{	Sir Grey Cooper	-	-	}	208
		Mr. Penton	-	-	-	
NOES	{	Mr. Fox	-	-	-	169
		Mr. Byng	-	-	-	

So it was resolved in the affirmative. As soon as the members returned into the House, the question was put on sir W. Meredith's motion, which passed in the negative.

Mr. Fox then proceeded to put several other questions to admiral Keppel, which were answered substantially, as he had stated them in his speech. He observed, as soon as this scene was closed, that the motion for taking down the questions and answers in writing, was lost by the opinion delivered from the Chair. He was satisfied that the Chair had acted strictly impartially; yet, he could not help observing, that the Chair, when first consulted, answered without reserve, “that the evidence ought to be taken down by the Clerk.”

The *Speaker* replied, that the hon. gentleman had omitted the latter part of the sentence, which was, “if the House was in an enquiry.”

Mr. Fox resumed his speech. He declared, he was perfectly satisfied with the proofs contained in the answers given by his hon. relation, that the fleet sent under his command was considerably inferior to that of France then preparing to sail from Brest. He descanted on the negligence, obstinacy, or designed treachery of ministers, their credulity in trusting to the assurances of France, when so often warned from that side of the House; and when

they had actual information of the formidable naval armament going on at Brest and Toulon; their indolence and unpardonable inattention to the measures necessary for our home defence, and the security of our distant possessions and dependencies.

The only defence which administration could set up was, either to plead that they did not know the effective strength of France, or that they did; in either of which cases, he should leave it with the judgment of the House, whether their conduct was not highly culpable? And whether, in the first instance, they ought not to be immediately removed, particularly the noble lord, who was, from his office, more especially responsible for the measures pursued and adopted in his own proper department? His motion, as he observed before, did not go so far as the noble lord's removal; but, if it should meet with the approbation of a majority of the House, he meant most certainly to follow it with a proposition to that effect. He then moved, “That it appears to this House, that the sending admiral Keppel, in the month of June last, to a station off the coast of France, with a squadron of 20 ships of the line, and 4 frigates, at a time when a French fleet, consisting, as there is great reason to believe, of 32 ships of the line, and certainly of 27, with a great number of frigates, was at Brest, and ready to put to sea, was a measure greatly hazarding the safety of these kingdoms, without any prospect of an adequate advantage.”

Lord Mulgrave made a long defence. To the written proofs on the table, he replied, that they were the most loose and indefinite imaginable. They were without date, and contained no more than an order to the pilots to provide anchorage for so many ships of such and such rates; but no proof that any such ships were in existence: nay, to come to the fair conclusion, the paper proved the contrary: for it contained evidence, not that the ships were ready for sea, but that anchorage for them in Brest water was ordered, when they should be ready. If the written evidence was defective, the parole evidence of the hon. admiral in his place, must be equally so; because it was founded on the written. It was true, the hon. admiral had gone into a variety of matter not at all connected with the motion on the table. It might, if correctly stated, have been admitted as proof of previous negligence,

but did not apply to the period mentioned in the motion, which was specifically confined to the state and condition of our naval force in the month of June. Indeed, in his opinion, the hon. admiral might have as well introduced the history of his whole life. His counsel might have advised him to it in their professional capacity, a matter very proper to be introduced into his defence, upon a criminal prosecution, otherwise, were the hon. admiral to follow his own judgment, he was convinced he would have contented himself with replying to the charges made against him, independent of any extraneous matter. Here his lordship entered into a detail of proofs, to shew, that the fleet in the preceding November, consisted of 35 ships of the line ready for actual service, and some more in such a state of forwardness as to be ready in a few days. He named the ships, their rates, &c. and instead of 36 or 38, according to the assertion of the hon. mover, he said the number amounted to 44 actually ready in June, 4 more ready in a few days, including those left behind and those ready for sea which afterwards joined the admiral, before the engagement of the 27th of July, making in the whole 48 or 49.

In answer to the charges of criminality or neglect, he said there was no proof of either. The fleet under Mr. Keppel consisted of 20; that actually ready for sea at Brest, but of 17; so that by every rate of naval warfare established in this country, he had a right to say, that 20 ships of the line, with a large proportion of three deckers, might, without any imputation of a crime, be thought a match for 17 French. He said, there was one circumstance which happened, that confirmed him more than any other, that the French fleet, even so late as the 23rd or 24th June, was inferior to the western squadron; that was, the merchantmen, which were permitted to pass unmolested through the squadron, the day the *Pallas* and *Licorne* frigates were taken. The strength of the British fleet must have been known to them. Why, then, if the Brest squadron had such a superiority, not instantly proceed to sea in quest of the British fleet? What was the consequence? Though M. D'Orvilliers was in possession of this information, he did not quit Brest water till the 8th of July, a period of almost three weeks after the receipt of this information. The hon. admiral had said, when he found the strength of the French fleet, though

he did not call a council of war, as by the custom of the navy such councils had fallen into disuse, he had consulted several of his officers, what was most fit to be done, who were of opinion, that it would be most proper to return. All he could say as to that was, he had not consulted him. He was separated from the fleet, and when he opened his orders, though he did not approve of them, he cheerfully obeyed and acquiesced, under the idea that the hon. admiral's long experience enabled him to judge and determine, what would be most likely to advance the service.

His lordship then gave a history of the conduct of lord Hawke, who cheerfully undertook a similar service, with six ships only, in the summer of 1758, when a rumour had been spread, that France was preparing to invade us, on a cruise of 14 days, when administration sent out orders to him to return. Those orders, however, never reached him; and the admiral did not return till he performed the service he was sent on, that of watching the motions and learning the strength of the enemy, and protecting our trade. His lordship read a copy of an answer of lord Hawke to the Admiralty-board, in which that able and gallant seaman told them, that he would never return into port, or neglect his duty, when the enemy had only a trifling superiority.

He treated the bugbears raised by the hon. mover of the fatal consequences of a defeat, as the mere creatures of a warm imagination. He presumed, that even if the worst had happened, that Mr. Keppel had been defeated, the enemy would not have procured a victory so cheaply, as to be ready to follow it with the burning of our naval arsenals. On the contrary, it was probable, that in such a conflict, they would be so roughly handled as to return to their own ports to refit. The only engagement in which the French proved victors at sea, was that under lord Torrington, off Beachy-head, in king William's time; and then, instead of pursuing the advantage they had gained, or attacking Portsmouth or Plymouth, instead, in the language of the hon. gentleman, of attempting "to exterminate the seeds of all future navies in this country," they contented themselves with the honour of the victory, and retired, very prudently, to their own ports, in order to repair the damages they had sustained in battle.

Admiral Keppel began with remarking,

that the noble lord had called his defence uncommon, and had said that he might as well have given the whole history of his life in it, as many things he had thought proper to offer to the court. The noble lord had also said that it would have been more proper for him to have trusted to himself, and that he was not, in his opinion, obliged to his advisers. He entertained very different sentiments; he thought himself highly indebted to his counsel, and as long as he lived should own his gratitude to them, and consider that but for them he might have fallen a sacrifice to one of the most uncommon attacks that ever was made on an officer. The noble lord seemed to have forgot that his defence did, in fact, contain the history of his life, for that he had mentioned in it his 40 years' services. The noble lord said, that he never consulted him upon the subject of his return to port. It was very true. The noble lord was a young officer, and he would not put him to the difficulty of giving his opinion on the subject. Young men were generally eager to fight, and knew not what prudence and discretion meant. It was right to send them out where bravery and personal exertion were the only requisites, but it was wrong to place them in situations that demanded thought, deliberation, and judgment. He did not much regard the sentiments of young officers on points respecting which officers of great experience were only competent to judge, but he had heard, since he last came home, that the noble lord disapproved of his return for a reinforcement. The noble lord had alluded to the conduct of lord Hawke, in what he deemed a similar situation, in 1758; he wished the noble lord had recollected the circumstances, and considered how far the two situations did or did not agree. Was lord Hawke sent out to meet a powerful enemy? What were his instructions? What were the objects in view in sending him out? The noble lord, if he was acquainted with those instructions, could easily distinguish between the difference of object and difference of situation. He was a young officer himself aboard lord Hawke's fleet. He well remembered they did not go out to fight the French, but to watch them. He made no doubt if the noble lord, who commanded that little squadron, had met with the enemy, that he would not have turned his back upon them on account of a trifling superiority, but he should be very sorry to hear that

great naval officer ever represented as ready to rush upon inevitable destruction, sooner than turn his back upon an enemy whose decided superiority would ensure them certain victory.

The only colour of defence set up by the noble lord was, that we not only had an equality, but there was no evidence that we had not. The first was evident, for if there had been either 32 or 27 ships of the line in Brest-water, the French merchantmen, which were permitted to pass through our fleet unmolested, having given intelligence, if the French fleet had been ready to go to sea, they would instantly have let slip their cables and taken advantage of their superiority; and as to the written evidence, printed without date, &c. it amounted to just nothing; it might relate to any other fleet, or any other circumstance, as well as that to which it was applied. On the first he must observe, that it would have been a measure extremely hazardous for D'Orvilliers to trust himself to sea with 27 or 32 ships of the line, until he had authentic information whether admiral Byron had left the Channel, and was on his way across the Atlantic; the wind, besides, might not be favourable for leaving Brest; and the truth was, that as soon as Mr. Byron's destination was known at Paris, and orders reached Brest for the squadron to proceed to sea, D'Orvilliers immediately weighed anchor. It was not the mere sailing from Plymouth of Mr. Byron that determined the resolution of the French cabinet, but a moral certainty of the destination of the force under his command. How was it possible for the merchantmen to report more than they saw? that they had met with a British fleet of 20 ships of the line, with three flags; or how could the minister of marine, upon such information, hazard the fleet of France, till he was perfectly satisfied the British naval force was divided, and that, instead of 20, there might not have been actually under his command 35, for so many, including the two ships left behind, were then actually fit for sea. As for the noble lord's comments on the written evidence, his lordship must have known that it was not the papers found aboard the *Pallas* and *Licorne* that solely determined his judgment of the effective strength of the French fleet, but the examination of several prisoners, who all agreed in the same account, that, when they left Brest some days before, there were 27 ships of the line ready for sea, and five more in a great

state of forwardness; and he appealed to the noble lord himself, whether it was possible for those five ships, if they had not been nearly ready for sea, to have sailed out of Brest on the 8th of July following, equipped for the battle.

The noble lord had laid great stress on the impropriety of an officer declining to meet an enemy with a trifling superiority against him. He agreed so far with the noble lord, that a trifling superiority, in the opinion of the commander, ought to be always balanced by a proper confidence in the skill, spirit, and native bravery of the officers and seamen under his command. When he sailed from Plymouth he went fully impressed with this idea. He was informed that the Brest fleet consisted of no more than 17 sail of the line fit for actual hostile service; but, however confidently this assurance was given him, he measured them in his own mind at 24; and in that opinion was determined not to avoid them: but when from the papers on the table, and the accounts received from persons taken on board the frigates, he was convinced that the French force consisted of 27, for he confessed he did not rate it higher (though he was now satisfied that it consisted of 32) he thought it his duty most reluctantly, so far as it concerned himself and the honour of the British flag, to return into port for a reinforcement, and not risk the honour and dearest interests of this country in so unequal a contest. If fate had otherwise determined, and the squadron under his command had been obliged to contend with such a superiority of force, though he dare not answer for the event, he was firmly persuaded that the victory, if that should be the case, would be dearly purchased; and that the British seamen would do every thing which the most sanguine expectations could promise from men overborne by superior force and numbers.

Sir Edward Dering mentioned his long acquaintance with, and the personal obligations he owed to the first lord of the Admiralty, against whom the present motion was manifestly intended, and also his hon. friend who spoke last; but if parliament had any controul over the executive, he was clearly of opinion that there was evidence sufficient to justify the proposed vote. Was there a man in the House who could fairly lay his hand on his heart, and say that the French were not superior to us at sea, as soon as Mr. Byron left the Channel? Was there a second, taking in

all the circumstances of risk and evident danger, who could say that the noble lord, who had led the nation into this perilous situation, was any longer fit to preside in our marine councils?

Lord North said, he was not surprised at what had fallen from the hon. gentleman who spoke last. Honourable gentlemen who were absent from the debate, or being fatigued from sitting up late, or from any other cause, had thought proper to refresh themselves, came down in good humour to give their own opinions, but frequently mistook the question, being totally ignorant of what had passed while they were away. The hon. gentleman who now sat down—Here his lordship was peremptorily called to order from every side of the House.—He begged pardon, he said; all he meant to say was, that gentlemen frequently mistook the question, and he hoped that was not disorderly.

His lordship said, he should consider the question as it fairly presented itself to the House: first, whether there was evidence to support the motion; secondly, if there was evidence, whether the Admiralty-board, from the general situation of public affairs, was not fully justified in their conduct? On the first of these his lordship repeated the facts and arguments urged by lord Mulgrave. He said, the paper found aboard the frigates contained only an order to provide anchorage; that if the Brest fleet was superior, it would not have remained in harbour till the 8th of July, after receiving information of our real strength by the merchantmen which were suffered to pass unmolested; and that, consequently, instead of there being any proof that there were 32, or even 27 ships of the line in Brest water ready for sea, the evidence bore the other way; for the fair conclusion was, that, if they had so considerable a superiority over the western squadron, D'Orvilliers would have instantly proceeded to sea; that he did not so, and only sailed with 32 on the 8th of July, proved that he had no such force ready, and that he sailed on that day with no more than 32, which was hardly probable, if there were 32 ready early in June.

The second question might be divided under two heads. Did the Admiralty know of this force? and, knowing it, were they justifiable in sending Mr. Keppel to sea? For his part, he knew of no such force being ready for sea at Brest at the period alluded to, and if it was criminal to

be ignorant of that circumstance, as stated by the hon. gentleman who made the motion, he had the impudence, in the language of the same hon. gentleman, to avow his ignorance of the fact at the instant he was speaking. But to come fairly and directly to the second question; supposing that ministers had known the fact, would gentlemen contend that in a war with France we were to run no risk? Let gentlemen consider what this nation had at stake at the time, no less than the whole of the trade from the East Indies, Jamaica, the West Indies, and the coast of Africa. Fleets returning from Spain, Portugal, and the Mediterranean. [Great disorder in the House at the mention of the word Mediterranean.] Gentlemen might laugh, but indecent and unparliamentary as such a conduct certainly was, he declared that no noise or disorder should prevent him from pursuing his argument. Attend, then, to the circumstances: though administration had the fullest and most specific information, that there were 32 ships of the line ready for sea when Mr. Keppel sailed with 20, would it not be proper that Mr. Keppel should have been sent out, both as a convoy with the outward bound fleet, and in order to protect the several merchant fleets then daily expected to return from the different parts of the globe; so that taking the conduct of administration in either light, as knowing or not knowing the fact stated in the motion, which he must observe again was supported by no evidence, sufficient to warrant the House to come to the vote desired; their conduct was equally dictated by policy and prudence, if no such fact existed. Administration must have acted as they did; if the fact was as had been stated by the hon. gentleman, administration had adopted the measure as applicable to the then situation of affairs. The admiral, indeed, had returned before the arrival of the first West India fleet, but he had no doubt, nevertheless, but his presence in the Bay, had facilitated its safe arrival.

After enforcing these arguments, in a variety of lights, his lordship observed, that the present motion was meant to lead to a vote of censure on the first lord of the Admiralty, in his official capacity; but he desired gentlemen, before they proceeded to a vote, to understand, that such a vote as that intended by the hon. gentleman to follow the present, would not be a censure merely of the first lord of the Admiralty,

but of all his Majesty's confidential servants. He himself was equally criminal with the noble earl; so was every other efficient member of the cabinet. If it was criminal to send out admiral Keppel with 20 ships, he co-operated in the measure, and advised it, as well as the noble earl. The noble earl was only responsible for his share. It was a crime in common, or no crime. Indeed, a case might happen, in which acting merely ministerially, the noble earl might be obliged to execute officially what he had previously disapproved of in council, by being over-ruled by a majority of the King's servants. So that, whatever determination the House might think proper to come to, he wished to have it understood, as an inevitable conclusion, that there was no possibility, without being guilty of the most manifest injustice, of directing the intended vote of censure against any one particular member of the cabinet, without involving the whole in its consequences.

The hon. gentleman had thought proper again to refer to words which had fallen from him in a former debate, relative to admiral Keppel's return to port. It was unparliamentary, and contrary to order, to make such allusions, but as the hon. gentleman had been so disorderly, he must of necessity follow him. The hon. gentleman had, on a former occasion, declared that administration had blamed admiral Keppel for returning to port; he had then felt it necessary to say, that he had never heard of any such blame; that no blame was ascribable to the hon. admiral, for that the prudence and propriety of the measure was an ample justification of it. This expression had been much cavilled at; on what ground he could not possibly guess. The words were simple in their import, obvious in their application. Did the hon. gentleman mean to say that the hon. admiral's return was not prudent and proper? Or what would he have had him said more immediately to the point? The hon. gentleman also had talked of the admiral's instructions being withheld from him as a matter of defence on his late trial; and the hon. admiral had himself repeated the assertion. Did not the hon. admiral recollect what had passed on that head between him and administration? Did he not remember that, on his application, word had been sent him that any part of his instructions that went to the matter contained in the charge exhibited against him, which he should point out, should

immediately be copied and transmitted to him, but that it was thought unwise and unnecessary to lay before the public his whole instructions just at present? Unnecessary, because much of them had no reference to the charge upon which he was to be tried; and unwise, because a publication of the instructions at large would disclose to the enemy matters of a very important nature, and highly proper to be kept secret. The hon. gentleman had also said a good deal respecting his having expressed a desire that the papers lately moved for might not be produced. Did the hon. gentleman recollect that he had himself in his speech declared, that the enquiry he proposed going into, could be proceeded upon without those papers? The same objection still remained against the production of the papers desired. They might be the means of discovering our channel of information, respecting what was going on in the French naval arsenals. A period might arrive, and that perhaps not very far distant, when those papers might be produced with propriety and safety to all persons; whenever it should, he would be one of the first to grant them, and if he had said that those papers would justify administration, as stated by the hon. gentleman, though he did not recollect that any such expressions had fallen from him, he was inclined to think, he had not exceeded the bounds of truth. His lordship concluded with giving his negative to the question.

Admiral *Keppel* replied to such parts of the noble lord's speech as particularly applied to his own conduct. He said, there was a remarkable sting in one of the noble lord's expressions, which he hoped did not originate in design, though it did palpably in mistake and misconception, where he said, the main object of sending him out, was for the protection of the homeward bound fleets, but that he had returned into port, before the arrival of that from the West Indies. If the noble lord's expressions were to be trusted to as sincere, he had done right in returning, therefore, the noble lord might with great propriety have spared the observation, and not make a charge, which, however softened, amounted to a charge of a direct breach of duty, and that concerning a point, which, in the language of the noble lord, was the main object of sending him out. He begged leave to remind the noble lord, that the protection of the returning trade fleets formed no part of his in-

structions, nor did he know that his command was directed to the safety of those fleets till after his return into port, when he received a letter from Mr. Beeston Long, chairman of the committee of West India merchants. That was the first he heard of it, though he agreed with the noble lord, that his appearance at sea might have proved of essential service in that particular. He would recommend to the noble lord, to be more careful in alluding to any part of his instructions, and to be doubly careful, not by inference and in the way of argument, to represent them as containing matter which they really did not; the latter was by no means defensible, the former uncandid. He looked upon himself bound, in the most sacred and solemn manner, not to divulge any part of them. He had hitherto carefully adhered to that idea, and was much surprised to hear his lordship refer to them in debate, when he must know that he was tied up in honour, from giving such answers in justification, as the tenor of the instructions might warrant. The noble lord, in answer to what had been urged by his hon. relation, of such parts of his instructions as might serve him upon his defence being denied him, said, that no part of them was denied, but such as did not apply to the charge, and would at the same time disclose to the enemy matters of a very important nature, and highly proper to be kept secret. Would the noble lord fairly undertake to say, upon recollection, that that was the true state of the case? He had too high an opinion of the veracity of the noble lord to believe he would. The fact was as it had been stated by his hon. relation. He applied for leave to produce such part of the instructions, as had been described by the noble lord, such as had only reference to the charge preferred against him, not for the instructions at large. He was refused it, as containing matter not proper for the public eye. He applied a second time, for other parts, where even a colour of objection did not appear against the granting his request. He was unsuccessful in both applications. The first by a direct denial; the second time he received an answer, that it would be proper for the board to take time to consider. He never heard more on the subject, and was left to his defence without a part of it; which, if matters had taken a different turn from what they did, would have left him to an issue of life and death, while the most ma-

terial part of his grounds of justification were withheld.

The noble lord had laboured with his wonted ingenuity and ability, to impeach the facts stated in the motion; but, in his opinion, very unsuccessfully. The printed paper he had treated as a mere matter inapplicable to the state of any existing fleet. Was that really the case? Did it not describe an existing fleet, which was at sea in a very few days after? Did it not contain a list of the names of ships, number of men, guns, &c. which engaged him on the 27th of July. If a paper containing the anchorage, or an order of anchorage, for his ships at Portsmouth and Plymouth, previous to his sailing, had fallen into the hands of the French, and the ships therein named had met the squadron under D'Orvilliers, would not that paper furnish sufficient evidence to that gentleman and the French court, that there had been such a force in Plymouth and Portsmouth harbour? But he observed that the noble lord was as eager to dwell on the insufficiency of the written evidence, as he was careful to avoid mentioning the information given by some of the sailors aboard the *Pallas* and *Licorne*, which was more specific and circumstantial. He transmitted that information to the Admiralty board: why was not that produced? Or, if it did not come within the literal meaning of the order for papers, why did not his lordship argue, with the same freedom, on the improbability of the parole testimony, as the written evidence? The reason was clear, the noble lord knew that the facts stated in the paper were corroborated by the testimony of some of the crews of the *Pallas* and *Licorne*; that satisfied him of the fact, and chiefly induced him to return; and he doubted, that there was a single person present, who was not persuaded, that the evidence was such, as fully justified him in concluding, that there were 27, if not 32 ships of the line in the port and harbour of Brest fit for sea, on the day of the capture of the two French frigates. He mentioned several other particulars, and said, that if he was ever to accept of a command again, he would take care not to leave the Channel with a westerly wind blowing in his teeth. It retarded the operations of the fleet; it gave the enemy the wind; it left them, in some measure, the advantage of engaging at pleasure, or returning into port, and of course counterbalanced every advantage of native bravery and superior

skill on our side. He believed he should never again be put to the trial; for, considering the manner he had been treated by ministers, he could never think of resuming a command under them; because whatever his inclinations might be to advance the interests of his country, it would be impossible to do it effectually, so long as those who employed him withheld their confidence and protection.

Lord *North* apologized to the hon. admiral; said he had not the most distant intention of alluding to his instructions, or a supposed breach of them. He was of opinion, that the hon. admiral acted very properly in returning into port. When he spoke of the safe return of the West India fleet, he only mentioned it as a fact, to shew the good effects of sending the western squadron to sea, supposing that it had been inferior to that of France.

Lord *Howe* entered into a professional investigation of what had fallen in the course of the debate from the two noble lords. He justified the propriety of sending lord Hawke in the year 1758 to sea, with six ships only, to a certain station, to protect our trade, and to seek intelligence; because it was applicable to the then situation of affairs: but this was a very different measure, from sending a large effective squadron, the chief defence of the trade and kingdom, to meet a force infinitely superior. If a squadron for mere intelligence and general protection had been sent out, it ought to have been a small one, which could have instantly retired homeward, without bringing any imputation on the British flag. It would have answered every present purpose, and by the time that it chose or was compelled to return into the Channel, the grand fleet would have been able to proceed to sea to meet the enemy; and he was of opinion, that stationing a large fleet off the coast of France, was a very improper and hazardous measure. The ships, particularly the large ones, were liable to receive great damage, the crews got sickly, and if a strong southerly gale, or south east, or even south wester, should spring up, the fleet would be in great danger, particularly if it lay in with the French shore off Brest; because, in that event, it might be extremely difficult to weather Ushant. Indeed, this reasoning applied to every given station that could well be imagined, where the purpose of defending our own coasts from an invasion was the principal object in view. He

could affirm, from his own knowledge, that a station off Brest was a dangerous station, and should never be taken but upon great emergencies. As to the idea thrown out by the noble lord in the blue ribbon, that the sending Mr. Keppel to sea was by way of conveying the outward bound trade, it was quite new to him. If that was all that was intended, why not give him orders to convoy the fleet into the sea, and then return into port? On the other hand, he understood, that Mr. Keppel's instructions were to make a stationary cruize, within certain limits. The general reasoning of the two noble lords was indeed very extraordinary; the noble lord in the blue ribbon in particular. He applauds the conduct of the hon. admiral, for his returning into port, and at the same time contends, that his force was superior, that is, he grants the conclusion, but denies the premises from which that conclusion is drawn. If Mr. Keppel was superior to the Brest fleet, he merited censure, not praise, for turning his back upon an inferior enemy; if he was inferior, then the premises, which are the facts stated in the motion, are incontrovertibly true. Such are the absurdities men are driven to, when they find it their interest to deny what they know to be true. It is, however, an instance of the noble lord's candour, to push his argument no farther than he thinks it necessary for his own defence, and that of his colleagues in office. His lordship is conscious how unjust it would be to make such a charge as applying to the hon. admiral's conduct, and how necessary it is for him to found his justification upon that ground.

The question being put, at half past one, on Mr. Fox's motion, the House divided:

Tellers.

YEAS { Mr. Thomas Townshend } 170*
 { Sir Philip Jennings Clerke }

NOES { Lord Mulgrave - - - } 204
 { Mr. Robinson - - - }

So it passed in the negative.

* "This was an unusual division on the side of the minority. And the minister shewed a degree of passion and vehemence in different parts of this debate, which was not at all customary with him. It was observed by some, who, from long experience, think they may form an opinion on the appearances of things in that House, that the question would probably have been carried in the affirmative, if the noble lord at the head of administration, having

Debate on Mr. Fox's Motion respecting the State of the Navy upon the breaking out of the War with France.] March 8. At half past four, the House being, if possible, more crowded than it was on the 3d instant,

Mr. Fox rose in pursuance of the notice he had given. He opened the grounds of his motion, which, he said, in several respects, resembled that which he had submitted to the House on the 3d instant; the difference between both motions was this; the principle was the same, but the former one was particular and specific. It stated a fact which he was sure no gentleman in that House doubted of who had spent a single thought upon it; nay, he would venture farther; a fact of which neither of the noble lords themselves (North and Mulgrave) who so strongly combated the motion, disbelieved, "that admiral Keppel went out in June with 20 ships of the line, though there were then 27 certainly, if not 32, lying in Brest water." The present proposition was a general one: it contained matter of public and universal notoriety; it called for no specific or narrowed proofs; he would trust it to the feelings and conviction of every hon. gentleman present. That was the evidence he would adduce: that was the just tribunal he would appeal to; on that testimony, which every thinking man must secretly submit to, and every honest man avowedly declare, he trusted the fate of his motion. He would not examine this gentleman to the number

equally perceived the same indications, had not immediately applied himself to prevent their effect. For that minister, observing strong marks of defection, particularly among that part of the country gentlemen who support administration, recalled both them and his other wavering friends to the standard, by openly declaring, that the motion of censure against the first lord of the Admiralty went directly to himself, and to all the other ministers; that there could be no discrimination; as they were all equally concerned in the conduct of public affairs, they were all equally liable to answer for the consequences; there could be no separate praise or censure; whatever reached one, must reach the whole. Notwithstanding this defeat, Mr. Fox did not abandon, he only shifted his ground; and keeping his object still steadily in view, brought the business forward under another form a few days after. As he had given early notice of his intention, administration rallied all their forces, and the House was even more full than it had been on the preceding debate."—*Annual Register.*

of ships fit for Channel service at the time; he would not trouble his lion. relation to inform the House again, how many he had under his command when he fell in with the *Licorne* and the *Pallas*; he would not trouble the noble lord over the way (Howe) to prove our inferiority in America; nor the whole world to prove, that we had totally abandoned our trade and commerce, our consequence and fortresses, in the Mediterranean. No; he should avoid any of these forms so necessary to substantiate charges where there was the most glimmering ray of doubt or suspense, or hesitation, whereon to hang a loop. But was that the case here? No; he was certain it was not. He should hear every fact and argument resorted to, but that of the terms of the proposition being not literally and substantially true. He should not hear a syllable of the contents controverted, but a great deal about, "Why come to this vote at this time? If true, the danger is passed. Why criminate without the necessary forms of legal or judicial process? And above all, what madness to come to a vote, when that very vote goes eventually not only to a censure of the Admiralty board, or rather the first lord of the Admiralty, but to the final overthrow of administration, and those immediately connected or dependent upon it?" Before he proceeded further, he begged leave to testify his entire approbation of the conduct of the right hon. gentleman under the opposite gallery, (Mr. Rice) for his prudence, sagacity, and foresight. The right hon. gentleman gave notice, on a former day, that he would oppose the Bill moved by an hon. friend respecting contractors, but he had declined the combat. He perceived, by the complexion of the House, that a certain description of men, who came down that day to give the minister their countenance and support on the present question, would withhold it on the other. He admired the right hon. gentleman's prudence. It would not be pleasant for the noble lord and himself to remain in a minority; it would have an alarming appearance, and might in the end be productive of several very disagreeable circumstances.

Such being the ground of public notoriety, such the uninterrupted current of public fame, such the acknowledgments of administration themselves, he could scarcely reconcile it to respect for that House, to go into any detailed proof whatever, were it not as well to shew what ministers

had not done, what they had neglected, and the promises they had repeatedly made, as the means which the nation and that House had put into their hands, and the sanguine expectations they had to form upon such means and such assurances.

To lay this as part of the basis on which his motion was to rest, he begged leave to state a few particular facts from the papers on the table, which contained a series of five years of peace at two respective periods; the one including the five years following the treaty of peace entered into at Aix-la-Chapelle; the other of the five years of peace preceding the year 1775. These he read in his place, by which it appeared, that the naval peace establishment which took place in 1749, upon an average of the five years taken together, amounted to no more than 938,000*l.* while the average of the latter five years amounted to 1,738,000*l.* per annum, or an increase of nearly double. This then led him to compare the expence of the navy at the commencement of the two succeeding wars, to the peace establishments already mentioned. In the year 1756, the first of the late war, the expences amounted to no more, including navy extraordinaries, &c. than what was voted in 1778, with this difference, however, that the navy debt of the former period was but 1,600,000*l.*; whereas the navy debt of 1778 was considerably above two millions. Then it was in proof, as well in point of bringing conviction home to gentlemen's minds, as supported by every mode adopted for discovering legal truth, that our peace establishment cost us nearly double in the latter period to what it did in the former; and that the whole of our naval expenditure in 1778, exceeded what it was in 1756, by full half a million.

If, then, our peace and war establishments, latterly, were superior in point of expence, the next obvious consideration would be, whether our naval preparation and effective strength was proportionably superior, which might be reasonably expected; or whether it was even equal, which could hardly entitle those who had the management of it to any praise; or, lastly, whether it was considerably inferior, and furnished just cause for the censure of that House, and the well-founded resentments of the people at large. By an authentic paper which he held in his hand, it appeared, that the ships of the line of battle in 1756, were no less than 89, while the present first lord of the Admiralty, the

first year of his war establishment, was not able to make out above 42 ships of the line, with a very deficient proportion of frigates. He should speak more particularly to that circumstance in his further progress; but he could not avoid making the proper use of these facts, thus contrasted, because they went to prove a part of his motion, which stated one of the grounds for desiring the House to agree with the vote of censure, that the state of the navy was not adequate to the sums voted; because the sums voted during the last peace, were nearly double what they were the preceding, while the naval force, at the breaking out of the former war, was more than double to what it was at present.

As the assertions of ministers formed another ground of his intended motion, that consideration would bring him back to the number of ships actually ready for sea at the beginning of the year 1778. Towards the close of the preceding year, in December 1777, it was asserted by a noble lord in the other House; he would not forbear to name him, the first lord of the Admiralty. It was Lord Sandwich who asserted not in the warmth of debate, nor in a hurry or passion of any kind, but coolly, gravely, and repeatedly, in his official character, that we had then 35 ships of the line ready for immediate actual service, and seven more would be ready in a few days; and doubts having been started of the correctness of this statement, as often as they arose, his lordship followed them with this observation, "That no person was fit to be intrusted with the conduct of the naval affairs of this country, who did not at all times take care to have a navy equal to cope with, or superior to the whole united force of the House of Bourbon." This was the language of the noble lord in the months of November and December 1777; yet, in upwards of six months after, the whole naval force of Great Britain hardly amounted to the number stated by the noble lord; in March there were but six actually ready and collected; and even in June, when his hon. relation below him sailed, there were little more than the number mentioned in December, attended with this additional circumstance, that, instead of being able to cope with, or being superior to the united force of the House of Bourbon, we were not, at the beginning of June and July, even equal to France alone. On the 8th of July, the French fleet, consist-

ing of 32 ships of the line, with a considerable number of frigates, sailed from Brest; on the 9th, admiral Keppel sailed with only 24, though six had joined or followed him, between that and the 23rd of the same month.

He did not confine these assertions to the noble lord in the other House; for he had heard them frequently repeated, confirmed, and stamped with the superscription of ministerial authority, by the noble lord in the blue ribbon, and very often urged and pressed by almost every member and friend to administration in that House.

He was likewise at liberty to add, that this motion neither tended to nor expressed any exclusive censure on the first lord of the Admiralty, farther than mere removal, on the grounds already mentioned, his incapacity or wilful neglect; the general censure was directed to all the ministers equally. If he had retained any doubt upon the subject, the conduct of the noble lord (North) on Wednesday put it beyond a question, or the least degree of uncertainty. The noble lord generously stepped forth, with all his popularity and interest in that House, to do what? To shield his friend, to share his misfortunes, to rescue him from his enemies, or to perish gloriously in the attempt. Formerly, the noble lord was content to share only so much of the blame or credit of every measure. "He had nothing to do in any office but that in which he presided. He was no minister but in his own department." But now the noble lord has totally changed his language: he has taken at least part of the responsibility upon himself, and divided the rest among his colleagues in office. Be it so; he has pledged himself, and his cabinet friends, to all the measures of the Admiralty board. The motion is framed accordingly. Every hon. gentleman will now know how to conduct himself. If he votes for the motion, he will give it his assent on the degree of truth which it presents; if he perceives its tendency, and sees that it involves a censure upon all his Majesty's confidential servants, then all will be open to him; the question will present fairly the alternative, "Are such men to be longer confided in, or is it better to trust to further contingencies, or at once withdraw our support?" The noble lord, by his conduct, or rather popular confidence, the last night, brought the point to the issue now described; and, for his part, he was perfectly content, as he

thought it much better, as it respected every side of the House, that gentlemen, when they were desired to vote, should know the full extent to which the proposition made was intended to be carried.

He then proceeded to his conclusions, which were, that our navy was not in a better and more formidable state at the end of the year 1770, than it was in 1754; that in 1756, the expences of the navy were less by half a million than in 1778; that in 1756 nevertheless, we had 89 ships of the line, though in 1778 we had not more than one half the number; that instead of being able to cope with, or being superior to any force which France and Spain united could send against us, we were not equal to France alone. This he endeavoured to shew was the case in the month of July in respect of the home defence, of our force in America and in the Mediterranean. In June, and in the early part of July, we were manifestly inferior to M. D'Orvilliers; in the Mediterranean, the inferiority was clearly evident, and in America lord Howe was manifestly inferior to M. D'Estaing. Hence it was evident, that not only the ends were not proportioned to the given means, but that the first lord of the Admiralty and ministers in that House had broken their faith with the public, and were no longer worthy of public confidence.

He begged leave to anticipate one of the noble lord's great arguments, or rather pillars of debate. Says the noble lord, "I was not the author of the American war. America rebelled. I am not answerable for the events of the French war; it was the perfidy of France that made that kingdom abet our rebellious subjects. I did not encourage the Bostonians to destroy the tea, nor to rise, nor to fight, nor to declare themselves independent, &c.": Though the noble lord is conscious that he did not take a single step through the whole business; that the next, on the part of America, or France, was not literally foretold, which amounts just to this, the noble lord confounds the cause with the effect, he presumes that the effect took place before the cause, and the cause followed the effect.

While he was upon this part of the subject, he said, it would not be quite foreign to touch a little on the repeated assurances given by other ministers, as well as the noble earl in the other House. When the first disturbances relative to the destruction of the tea sent to America broke out in

that country, the noble lord's language in the blue ribbon was, "Pass the Boston Port Bill, and the necessities of the people will compel them to submit." Well, the noble lord was mistaken, the people did not submit. Says the noble lord again, "Send a few regiments, and force the Port Bill down the throats of the discontented and mutinous with powder and ball." That recipe not proving efficacious, says the noble lord, "We will hold out terms to them," which gave birth to his lordship's celebrated Conciliatory Proposition.* The conciliatory proposition was, however, treated with the contempt and derision which it merited. It imported this; "Give us as much as you please, we will accept of it, and take afterwards as much as we think fit, in addition;" that is, "Give us something, and we will then scramble for as much more as we can plunder you of, either by force, or stratagem." The noble lord finding himself baffled in all his plans, at length grew disgusted and angry. The whole force of this country was to be tried, the most vigorous measures were to be made; every thing was to be carried by the hand of strength, and America was to be brought to the feet of Great Britain, and submit to "unconditional submission." This high, this boastful language proved as vain-glorious, and the attempt as unprosperous as every other, to bully and deceive, to cheat and frighten. The people of America had too much good sense and resolution to submit to either.

In these several stages, gentlemen on his side of the House were not unmindful of their duty. As friends to their country, they reasoned, they argued, they ventured to predict. They did not—perhaps they could not bring that species of proof which was required to support a criminal charge in a court of law.—They did not attempt to criminate, censure, or impeach; they stated the facts which they heard; they were persuaded of the truth of many of them; they reasoned liberally, they foretold the probable consequences, they conjured, remonstrated, and threatened. They unluckily spoke with a prophetic spirit; and when every day's misconduct brought us into that precise situation which openly invited the interference of foreign powers, what was the language they adopted? "Take care of France and Spain." And what were

* See Vol. 18, p. 319.

the uniform answers? "The finances of France are exhausted, her income is not equal to the expences of her peace establishment: her navy is annihilated: she is on the eve of national bankruptcy: she is taxed to the utmost extent she is able to bear: she is without internal resources or credit. Spain is in a condition equally imbecile, and is incapable of assisting France, or of performing the terms of the family compact. France or Spain, however well inclined, will not set so dangerous an example to their own colonies; they will not encourage, foment, or support rebellion in the British colonies, lest the contagion may spread to those possessed by themselves in the new world. But allowing the worst that can possibly happen; grant that they should be instigated by motives of mistaken policy, of revenge, of false and dishonest ambition, their state of weakness and total inability, with our decided superiority, will be our best security. They know it is in our power to chastise them. France or Spain know better; and if they were inclined to combine or unite against us, they are not so blind as not to foresee, that such a combination would, nay, must, terminate in their ruin and disgrace."

A time however arrived, when conjecture seemed to receive some countenance from actual appearances. Mr. Dean arrived at Paris in the summer of 1776. I happened to be in Paris soon after his arrival; when I mentioned the circumstance in this House, I was laughed at. The noble lord and his friends on his right and left hand observed, "that Mr. Dean might have taken this trip for his amusement, or for business, or for curiosity, or at most in the character of a mere merchant;" in short, every motive was assigned but the true one. All did not end here. Dr. Franklin soon followed, but ministers still continued infidels, or affected it. Said they, "the doctor is an enthusiast; he is zealous in the cause which he has himself produced into being. But whatever his errand might be, signified very little, the appearances of the court of Versailles were such as might be trusted to with safety; they were of the most sacred and solemn nature. Dr. Franklin was treated coldly, and with manifest neglect, nay, with contempt. The court of France refused to receive him in a public character." In short, the opposite benches treated even every suspicion of the kind, as the mere effect of visionary fear, or originating in

faction, till that gentleman was known to have transacted business with the French king's ministers.

So matters rested till a new scene unfolded itself, till the tobacco contract was publicly known and acknowledged by the French court. Even then the appearance of delusion was kept up, for it could be no more. The lame and ridiculous apology made by that court, was instantly adopted by ministers in that House: "It was only a commercial contract, dictated by necessity. It had nothing political in it, nor any seeds of hostility in its nature. Tobacco must be had, to secure to the crown one of the most beneficial branches of its revenue; Great Britain could not, in the present situation of affairs, supply the commodity, and a supply must be sought, where only it could be had." So the delusion was kept up, till the signing of the treaty between France and the Congress delegates could be no longer concealed; not when it was known in that House, for he had communicated it in his place, in ten days after it was signed; but when the rescript delivered by the count de Noailles, in almost four weeks after that communication, rendered the further concealment totally impracticable.

The folly, madness, and delusive arts of the noble lord in the blue ribbon, and of ministers in both houses of parliament, were nevertheless exerted as strongly during the intermediate period, between the actual signing and the delivery of the rescript, as at any former one. "No such treaty," it was said, "existed. France had neither the will nor ability to carry it into execution." And to conclude the whole of this political, farcical delusion, they desired parliament to agree to the passing of certain Acts, and to the delegating certain powers to commissioners, though ministers, as it had since come out in actual proof, knew at the very instant they proposed them, that they must prove totally nugatory, and serve only to render this country despicable in the eyes of all Europe.

He presented this argument in a variety of lights, and drew the following inference; that ministers acted under the dominion of the grossest and dullest ignorance, and were therefore unworthy of public trust or confidence; or from sinister, corrupt, and concealed motives, and further urged by some powerful criminal influence, operating upon their minds, had wilfully misled, and by a studied series of

delusions and a preconcerted plan of impositions, had imperceptibly dragged, or rather allured, this infatuated country to the very verge of destruction. This was a dilemma from which neither the blind confidence or studied plausibility of the noble lord in the blue ribbon could extricate him. The alternative was, that ministers were either ignorant or treacherous. If ignorant, was there a gentleman in that House who would trust his dearest and nearest concerns to such men? If treacherous, where was the person who would be mad enough to trust his most important concerns to men who, he was persuaded, would sacrifice them to their own dishonest and corrupt views?

He again returned to the substance of his motion, and entered into further particulars in support of it. He observed, that in April, France detached twelve ships of the line, though we were not able to detach an equal number till about the same time in the month of June. We gave France full time to effect their purpose, had not the elements so remarkably befriended us, which must have at once destroyed our naval force in America; and, as the consequence of such an event, given her a decided superiority in the European seas. If M. D'Estaing had not remained so long in the Mediterranean, which was occasioned by adverse winds, it was probable that he would have reached the coasts of America before Mr. Byron left Plymouth. There were papers on the table which shewed, that ministry were acquainted with D'Estaing's destination before he even sailed. Knowing that circumstance, if they were able, why did they not detach as soon as the fact came to their knowledge; or if they were not able, which he believed was the truth, why did they not send out a few ships, at least, to put the noble lord over the way (lord Howe) nearly upon an equality with D'Estaing? On the contrary, the noble lord was left to chance, to meet an enemy infinitely superior, and the fate of the fleet under his command, and the army of course, exposed to imminent danger. The superior genius of the noble lord, it was true, stood unrivalled; for, by an effort, which had exalted him in the opinion of those who thought most favourably of him, and had, if possible, rendered him more dear than ever to his grateful country, he rescued it from a blow which, if it had proved successful, must have produced consequences which it must have long felt,

and which perhaps could never be retrieved; but notwithstanding the noble lord's unexampled bravery and ability, had the French fleet arrived but even six days sooner, his experience and professional skill would not have been sufficient. He must, with the whole of his little force, have fallen a sacrifice, and with him, perhaps, the naval power and glory of Great Britain.

Fortune, indeed, had been very kind to us. We had had our escapes in almost every quarter of the globe. She had been our constant attendant. The ministry, on a former night, complained of ill luck; but he would balance the account with them on that score, though he was persuaded that fortune had fairly declared on their side. He would therefore try them on the merit and wisdom of their measures. The noble lord already alluded to could soon satisfy the House on that head. He could readily inform the House how inferior we were to France in America, as it was now well known and acknowledged, we had been in Europe. How did this accord with the opinion of the noble earl in the other House, who presides at the Admiralty-board, "that minister ought to lose his head, who had not a fleet equal, if not superior to the combined fleets of France and Spain." That assertion was, and ever would be, alive in his memory. That noble lord had forfeited his word to the public; he had pronounced his own condemnation; nor did he see upon what ground those who had hitherto supported the present administration, could continue to support them in the pursuit of measures which, from the very commencement, were impracticable; which were rendered still more so in their progress; and, above all, how that House could put a further trust in men who had forfeited all future confidence, from repeated breaches of public faith, and that in instances, where the honour, interests, nay, the very existence of this country were most materially concerned.

The hon. gentleman concluded with moving, "That it appears to this House, that the State of the Navy, on the breaking out of the War with France, was very unequal to what this House and the nation were led to expect, as well from the declarations of his Majesty's ministers, as from the great sums of money granted, and debts incurred, for that service, and inadequate to the exigencies of the various services for which it was the duty of his

Majesty's ministers to have provided at so important a crisis."

Lord *Mulgrave* contended, that the terms of the motion were not supported by the facts stated. In the first place, he said, it was extremely unfair and irregular to refer to matters which fell in former debates, and much more so to any thing which might or might not have been said by a member of the other House. He stated the possibility either way, even as to general opinion; but when a motion of censure came to be framed upon such loose uncertain grounds as what might have passed in the course of debate in either House, the injustice, as well as the absurdity, of coming to a vote thus instructed and informed, was too palpable to deserve a single sentence of animadversion. He observed, that the main ground of the present vote was, that admiral *Keppel*, having but 20 ships of the line, was inferior to the French squadron. No such fact, he insisted, appeared. On the contrary, the day admiral *Keppel* sailed, June the 5th, he had every reason to believe that the French fleet, in Brest water, did not exceed 17 at most; consequently, when the hon. admiral sailed, he was superior to the squadron then lying at Brest.

The next ground in point of fact was, that France was superior to us in America, the contrary of which was equally evident; for though the noble lord (*Howe*) might not have been entirely equal to *D'Estaing*, before the arrival of admiral *Byron*, the probability was, that, with the assistance of the frigates and frigates, he would at least have been able to defend himself till reinforced. The hon. gentleman says, why not detach earlier? The reason was obvious; because it would not be prudent to detach till we were sure of *D'Estaing's* destination. If we had detached, and *D'Estaing* came round to reinforce *D'Orvilliers*, then how would the gentlemen on the opposite benches clamour? You have detached, and thereby have left this island at the mercy of our enemies, who are by that means much superior to us. In the then situation of affairs, he contended that ministers acted wisely and prudently; that they were justified not to detach too early; that America was not without a respectable naval defence; and that as soon as Mr. *Byron* arrived, we had a decided superiority in those parts.—Upon the last head, in point of proof respecting the neglect of the fortresses and commerce of the Mediterra-

nean, he said it was utterly impossible to provide a suitable defence to possessions so widely extended as those belonging to Great Britain, that some must be neglected; and that in exercising the discretion inherent in ministers, no blame could be imputed to them for having directed their attention to places of the greatest consequence, in respect that they were more vulnerable, and, of course, more likely to invite an attack. As to the comparative state of the money granted for naval services in the two interims, previous to the breaking out of the last and present war, and the state of the fleets in 1756 and 1778, he said no fair inference could be drawn, it presented nothing direct or properly applicable. It was well known that the ships were larger now than at the former period; that in the number there were a great many small 60's and 64's, that our 74's were built much larger, differing very little in point of tonnage from our old second rates; and, that although we had not for the home service above 48 ships of the line, we had a very considerable force in America; so that fairly comparing the exertions at both periods, he was persuaded that our force, in 1778, was substantially equal to what it was in 1756; which, besides, was not a fair way of comparing the respective means and exertions, for 1756 was not the first but the second year of the war, if the facts had been as stated by the hon. gentleman, which was not the case; for we had but 89 ships of the line at the conclusion of the late war, 18 of which had been taken from the enemy.—His lordship concluded with answering Mr. Fox on the subject of imputed good luck; for he contended that France had been saved from certain destruction by a succession of escapes as extraordinary as unexpected. *D'Orvilliers* had escaped from admiral *Keppel*, *D'Estaing* had escaped from lord *Howe*, off Rhode Island; he had afterwards escaped from Mr. *Byron* to the West Indies. If, however, fortune had declared in our favour, which he did not recollect, in a single instance, to have been the case, it was a good reason for not changing the present administration. If they were in luck, let them hold the box till they threw out. At present, there was little prospect of that; for the odds, to pursue the simile, were evidently in their favour. The first efforts of France were always the most vigorous, from the nature of her government: while ours were always dilatory, from the frame of our con-

stitution. When that impediment was removed, we had always proved victorious. Our force would be every day increasing, while theirs, having already attained to the meridian, would be on the decline. On the whole, he saw the present motion as a pre-concerted attack upon administration, in order to drive them from their places; on that account, as well as for the reasons given already, he should give his hearty negative to the motion.

Lord Howe stated the difficulty he laboured under, in what manner to conduct himself, standing as he did. He rose to second the motion of the hon. gentleman; but meant to have contented himself with giving a silent affirmative to the motion, if he had not found himself so particularly referred to by the hon. gentleman and the noble lord who spoke last. It was well known that administration and he had an affair to settle; that he had pledged himself to the House to bring on an inquiry into his and his brother's conduct. There was a motion on the Journals for a copy of the correspondence between him and the noble lord, secretary of state for the American department; if he should, therefore, go fully into the question naturally growing out of the present debate, it would bear an appearance of a wish to mislead those who were to determine on his conduct, than which nothing could be farther from his intentions. If, on the other hand, he remained totally unconcerned, it might be construed into an approbation of measures; he meant not to speak of those that might or might not affect him, which he was fully persuaded were weak, incapable, and, if longer pursued, must terminate in the destruction of the naval power of this country, and consequently of the country itself. He thought that the means put into the hands of administration were such as enabled them to have a much more respectable navy on foot, and that above all things, the Mediterranean ought to have been provided for; being thoroughly convinced that it would be impossible at any time for this country to preserve its naval superiority, while that service was neglected, or, which was the case at present, apparently abandoned. He was not in Europe at the time the matters particularly adverted to in the motion, and so clearly stated and ably enforced by the hon. gentleman who made it, happened; but, in his opinion, they were so well supported in fact and argument as to justify the vote he intended to give.—Before he sat down,

he hoped he should be permitted to say thus much: that he was deceived into his command; that he was deceived while he retained it; that, tired and disgusted, he desired permission to resign; that he would have returned as soon as he obtained leave, but he could not think of doing so while a superior enemy remained in the American seas; that as soon as Mr. Byron's arrival removed that impediment, by giving a decided superiority to the British arms, he gladly embraced the first opportunity of returning to Europe; that, on the whole his situation was such, that he had, in the first instance, been compelled to resign; and a thorough recollection of what he suffered, induced him to decline any risk of ever returning to a situation which might terminate in equal ill-treatment, mortification, and disgust. Such were his sentiments respecting the motives that induced him to resign the command in America; and such for declining any future service, so long as the present ministers remained in office; for past experience had sufficiently convinced him, that besides risking his honour and professional character, he could, under such counsels, render no essential service to his country.

Admiral Keppel replied to the noble lord who spoke last but one. He contended that the evidence already before the House was fully sufficient to prove that the French fleet was superior to ours, when he sailed from Plymouth; and kept in port only till it was known for certain that admiral Byron had gone to America. He was astonished how the noble lord dared assert, against the most complete evidence, and in the face of the nation, that the Brest fleet consisted of no more than 17 ships of the line, when it was notorious to all Europe, that in a very few days after he met with the Pallas and Licorne frigates, M. D'Orville's was sent to sea with 32 sail of the line. Was his squadron suddenly created? He presumed the noble lord could be no stranger to the difficulty, the improbability, he might add impossibility, of fitting out, equipping, and manning 15 sail of the line within so short a period. He would, indeed, rest the fact upon the noble lord's own argument, both the last and the present evening. Said the noble lord, 35 ships were ready for actual service in November 1777, and 7 more in such a state of preparation as to be ready to proceed to sea in a few days. What did the noble lord chiefly rest the defence of the Admiralty-board on? But that in seven months

after, in June, we had 48 ships of the line, that had within the period been, or were ready for sea; for out of that number the crews of two were sickly, and of course unserviceable at the time; the *Mars* was condemned, and two others were undergoing a repair. So that, according to the noble lord's account, so far as effective operations at sea were in question, we had in the course of seven months, been able to add only two ships to our number, while he was so generous as to suppose that France could add fifteen in less than a month. If the noble lord really believed what he said, and looked forward to the deduction which must immediately present itself from the consideration of such premises, he would furnish a most melancholy argument to prove how unequal a contest we must wage with a nation, which could augment their navy with 15 sail of the line in a few days, while it was with the utmost labour and industry we could add three only to our number in seven months.

The noble lord had affected to pay him very high compliments; more, he was conscious, than he deserved, or the noble lord intended; for it was pretty evident that his lordship had taken special care to blend with those constrained compliments, a certain portion of other matter, sufficient to prevent his hearers from mistaking his meaning. He received his professions of friendship and his ungenerous and ill-founded insinuations with equal indifference and contempt. The enmity and indirect misrepresentations which accompanied them, were too near the surface to pass undiscovered. He held both precisely in the same light, he despised them equally, and, if he had choice, it would be his enmity and not his friendship.

He then proceeded to speak to the motion. He said, when he sat at the Admiralty-board, in 1765 and 1766, a plan was submitted to the board, and finally adopted, to have at all times 80 ships of the line of battle, with a proportionable number of frigates, ready for actual service: that is, in a certain state of equipment and preparation, which, in the language of the navy, in times of peace, amounted to the same thing; and though this plan had been totally abandoned, and the fleet had been almost totally annihilated at the present noble lord's coming to preside at the Admiralty-board, it appeared by the papers so ably commented upon by his hon. friend who made the motion, that a fleet of 80 ships of the line might

be constructed from the very keel, launched, and at sea at the close of the year 1777; whereas by the noble lord's own account, there were not at that period, including those in North America, East and West Indies, &c. quite 50. But, besides the deficiency in number, he was well warranted in affirming that the ships were not in a good condition, nor fit to bear long or difficult services; one great cause of which was, employing them in cruizes, on account of a want of frigates. He remembered on a rumour, about five years since, relative to a formidable armament then said to be going on at Toulon, and upon a later occasion, when he was advised with in November 1776, he took occasion, both within and without that House, to point out the want of frigates. Nevertheless, though the quarter part of our frigates were on the other side of the Atlantic, and he pressed the necessity of speedily supplying that deficiency, that part of the service was totally neglected, our large ships were sent to sea on every trifling occasion, by which they were, in a great measure, crippled and unserviceable. The expence of repairing large ships was immense; and what was worse, when wanted for actual service, many of them were obliged to go into dock to repair.

He answered, what he termed the noble lord's bold and confident assertions, that France being able to make head against us at all during the summer campaign, was merely owing to a series of good fortune, which was proved by a succession of escapes. For his part, if fortune or luck took any share in the events of the campaign, he thought she had rather declared in our favour than in that of the enemy. It was our luck that prevented D'Estaing, when he understood the situation of our naval and military force, not to have proceeded to Sandy Hook, and taking the situation there, afterwards occupied by lord Howe, which he should have done, as by that means lord Howe, with an inferior force, must have gone for Halifax, and the whole commerce, victuallers, transports, &c. bound for New York, would have fallen into his hands. Sir H. Clinton's army would have been starved, and God only knew what fatal consequences both to the fleet and army might have followed! It was our luck, that when he found lord Howe so advantageously stationed, D'Estaing did not wait for admiral Byron's squadron, which, scattered and disabled as it was, must, ship by ship, have

fallen an easy prey to him. It was our luck that he did not act more vigorously on his arrival at Rhode Island. It was our luck that admiral Barrington did not fall a sacrifice to D'Estaing before the arrival of Mr. Byron, and that the same circumstances accompanied the facility of defending and the difficulty of attacking an enemy thus fortunately stationed.

He was very full on the neglect of our trade and fortresses in the Mediterranean. He acknowledged that, in the situation of affairs, it would have been very imprudent to detach a force to the Mediterranean, and leave our coasts, &c. defenceless. He was consulted on this subject, and thought it neither safe nor proper. But why? Because we could not spare a sufficient force from the home defence, which was the very substance of the present motion. But he ever did, and ever should think it the duty of ministers, to provide a sufficient naval force for the Mediterranean. In case of a rupture with the House of Bourbon, or with either of its branches, a squadron stationed at Gibraltar would always prevent a junction between the fleets of France and Spain, in the Mediterranean and on the coasts of the ocean. Nature had seemed to form this as a barrier, which would, at all times, enable Britain to divide their power; because, whether they attempted a passage from the Mediterranean, or from the ocean, into the latter, either force must be equal, or superior to the British fleet; and the enemy, till united, though greatly superior, must engage upon terms not at all adequate to their strength. Upon these considerations, therefore, he thought it highly incumbent upon this country to have at all times a fleet so stationed at Gibraltar, or in its vicinity, as to prevent a junction between the fleets of France, in the sea and in the ocean: and likewise, as circumstances might render it necessary, the fleets of France and Spain united. On the whole, he pronounced the Admiralty-board totally negligent, misinformed, and every way unequal to the administration of the naval affairs of this country.

Mr. Adam said, the facts stated on both sides were so diametrically opposite, that it was impossible to come to a vote one way or other without hazard of error in justice, particularly a vote of censure or removal, which was to affect an absent person, and in some respects, all his Majesty's confidential servants. The facts

stated in the preceding debate, were of that nature to authorize a direct negative or affirmative; because there was evidence before the House, which the House was competent to decide upon, whether or not the force was such respectively at such a period in the month of June. The vote now proposed presented no such degree of certainty. It embraced a variety of objects, not one of which were in proof; and implied a censure upon presumed acts of negligence or criminality. They might be truly stated, our force might not be adequate to what that House were led to expect from the declarations of ministers, to the sums expended, nor to the important crisis of affairs, which most certainly ministers were bound to provide for; but was there any proofs of those different charges sufficient to satisfy the consciences of the House to come to a vote, which, if it meant any thing, imported a criminal censure? Besides, he had another motive for wishing to put off the decision at present, by the way of the previous question: because, if the motion should receive a direct negative, it would put an end, during the remainder of the session, to the inquiry. He had strong reasons to believe, that administration were both negligent and criminally culpable; but belief only or loose opinion, was not sufficient to determine a vote, which implied a species of condemnation, which might probably lead to much more serious consequences than mere removal. He believed there were good grounds for a thorough investigation of the conduct of ministers, and that it called loudly for enquiry. He thought they had been shamefully remiss in duty, and he trusted a day would come when they would be called to a solemn account. But he hoped, when that day arrived, that the proofs of their innocence or guilt would be made to appear in a regular and satisfactory manner, and that nothing would be received upon trust, which might operate towards their condemnation or acquittal. To avoid, therefore, the extremes equally to be avoided, that of coming to a precipitate vote of censure, without suitable proof, or of acquittal, where blame, he had reason to believe, was certainly due, he would move the previous question, which would leave the matter subject to future revision and examination, and prevent the question from receiving a direct negative, which, from the circumstances already mentioned, he should be sorry to

see take effect.—This motion was not seconded.

Sir *Horace Mann* said, he entertained very different ideas from the hon. gentleman who spoke last. The hon. gentleman said, that he had voted for the proposition on the 3rd instant, because the evidence before the House, of the facts stated, were so well proved to his satisfaction, as to justify his vote; but that there being no evidence of the vote proposed by the hon. gentleman who made the present motion, he must withhold his assent. Now, for my part, the ground of the hon. gentleman's dissent and assent have struck me in a different manner; for though I voted against the motion of the 3rd, I find myself bound to give my full assent to that now moved. It contains matter of public notoriety, as well known without this House as within; as well known to all Europe, I am sorry to say it, as to the British parliament. It talks of the expectations of the parliament and nation upon the assurances of ministers. Is there a man in this House who doubts such assurances were repeatedly given? But supposing there had not one been given, does that exonerate ministers from their duty and responsibility? Would it be an apology for them to plead, that they were not bound to a performance of their trusts, or to attend all in their power to the preservation of the state, because they had not added verbal promises to more solemn engagements? But the real subject matter of this debate depends upon something more than vague promises or loose assertions, made in either this House or the other. What have been the sums granted? What has been our state of preparation? Has our navy been adequate to the services ministers were bound to provide for? Here lies the true issue; what ministers have done, not what they promised; what they were bound to perform, not what they said they would do. I say no. I appeal to the feelings and conviction of every independent man on every side of the House. I appeal to the nation; I might, without being justly charged with absurdity, extend the appeal beyond this island, and appeal to all Europe.—I would recommend to gentlemen to consider our relative situation in respect of the rest of Europe. I would have them reflect on the rank we hold among nations of the first class, if not the first ourselves, within that description; confessing or yielding to none as our su-

perior. I would wish them to consider what has been and is looked upon to be the source of our power and greatness: our trade and commerce, the consequent number of our seamen, and our naval superiority, which all inseparably give us riches and power, and every thing derived from an extensive commerce, numerous dependencies, and transmarine dominions; and the means of retaining and protecting them. Strip us of our marine pre-eminence, and where must we find ourselves? Not among the first powers of Europe, far from it. Many countries exceed us infinitely in extent of dominion, others in native produce, and perhaps manufactures. If, therefore, we should ever even come to an equality upon our proper element, with any other power, our importance must go; every thing we possess out of this island will be held by a very precarious tenure, and our influence and consequence among the great powers of Europe must depart with the cause which chiefly created it.—I do not speak from mere speculation. I was on the continent, during the summer naval campaign, and at Vienna when the account of the engagement of the 27th of July reached that capital. I happened to be at a court extremely well inclined towards the interests of this country, which they have proved to my own knowledge, in several instances, and that on occasions too, in which strong temptations had been thrown out, in order to warp that disposition to our prejudice. One in particular, while I was there, relative to propositions made by one of the Congress delegates, relative to the opening a trade between our subjects in America, and the empress queen's dominions in the Netherlands, which was treated with that indifference and contempt I hope such propositions will ever meet with, when made by rebellious subjects, resisting the constitution and government, to which they are bound by every tie of gratitude and obedience. I mention this circumstance, as well to point out the disposition of the court where I was, when an account of the affair of the 27th of July reached me, as to shew that the feelings expressed on the occasion by that court, were the genuine offspring of amity and good will, and apply directly to the subject of the present debate. What was the impression that narrative made? The court of Vienna heard it with astonishment. Their sentiments accorded exactly with these ideas I have stated. They

imagined Great Britain lords paramount of the ocean, and invincible at sea; and they looked upon an undecided contest, or drawn battle, of such evil consequences to Great Britain, as to its effects, as to be little short of actual defeat; and did not hesitate to declare, that if once the empire of the ocean came to be seriously disputed by France, or any other nation, Britain would shortly be disrobed of her power and greatness, which must decrease in proportion as her naval glory grew less splendid, or she permitted a rival to share it with her.—These, Sir, with the notoriety of the facts on which the motion is supported, are my reasons for giving my hearty affirmative to it. I have forborne entering into detail, because I take the whole matter as it presents itself to me, and as it has struck all Europe. Ministers have been to blame to trust to an equality; the Mediterranean should be provided for, in the terms of the motion; therefore I shall conclude with saying, that the fleet of this country was not adequate to the important services his Majesty's ministers were bound to provide for.

Mr. Temple Luttrell said, that although, after the forward part he had taken in navy matters for several sessions past, it might be expected he would rise to trouble gentlemen for some length of time on the very comprehensive question now introduced, yet he on all occasions disliked to enter upon such subjects, where figures and dry matters of fact were necessary, and which the temper of that House could never relish, especially when such dull work interfered with the more captivating powers of oratory—with florid declamation—with personal inuendoes and sarcasms, or those jocular sallies for which the noble lord in the blue ribbon is so famous in a full house, and on days of the most solemn and critical import. He thought the fairest way to discuss this business, which certainly tended to criminate the first lord of the Admiralty, was, to consider of the means that have been put in that noble lord's hands for maintaining and improving the navy, and to see how those means have been applied; comparing his management with that of his predecessors in office, and comparing also his official declarations with the actual state and condition of the royal fleet. Lord Hawke presided at the Admiralty board during the years 1767, 1768, 1769, and 1770: the naval grants of parliament in his time, for the peace establishment,

came annually to about 1,550,000*l.* and the exceedings on the debt of the navy, exclusively of the interest accumulating thereon, did not amount, *communibus annis*, to 40,000*l.* The last year of lord Hawke's naval administration was indeed more expensive; for in September 1770, preparations were made for a war with Spain; and by the end of December, it appears, from the navy-board accounts, there were 13,000 men raised more than had been provided for by parliament, besides an extraordinary exertion in equipping very numerous squadrons of capital ships to be in readiness for action if requisite. At the beginning of January 1771, the earl of Sandwich succeeded lord Hawke; he found 28,000 seamen and marines, and 81 sail of the line of battle, which only waited to receive their war complements, and to be completed with those naval stores, of which there was plenty in the several dock-yards. A fortnight after lord Sandwich took his seat at the Admiralty, the convention to restore peace between Great Britain and Spain was signed in London, which rendered it expedient to reduce our naval charges, and to dismantle the greater number of our men of war then in commission. However, as 40,000 men, at a sum not exceeding 4*l.* per month each man, had been voted by parliament the preceding November, neither the Admiralty nor the Treasury judged it necessary to be sparing of expence; so that in the first year of the noble earl's naval government, there was issued for the navy from the Treasury-board, no less a sum than 2,880,000*l.* and upwards, over and above 200,000*l.* given by the House of Commons in that year to discharge so much of the navy debt. And the state of the navy debt on the Journals for the years 1770 and 1771 prove, that no part of that enormous sum went towards the debt contracted under lord Hawke in 1770. I will allow, that about 100,000*l.* was at that time expended in replenishing the several store-houses consumed by the fire at Portsmouth; after which, the docks, the magazines, and shipping, were perhaps altogether in a far better state than at any former era of our naval history. During the years 1772, 1773, and 1774, which were prior to the American disturbances, the supplies of parliament for the navy were large, beyond any precedent of peace establishment; the debts contracted were at the same time beyond all bounds: for a proof of which,

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he wished gentlemen to look at the debt of the navy on the Journals as it stood December 1772. He should not enter much upon the extra charges of the navy since the commencement of the civil war with America, because he could not do it with the same precision, nor comparative estimate. He might be told, that this war was of an unprecedented nature, and attended with charges which never could occur before; and for his part he had always subscribed to that old adage, that "war is at all times a monster of such an appetite, that 'tis impossible to guess what he may devour." However, no person will be bold enough to deny, that parliament has implicitly granted whatever monies have been asked by ministers for the service of the navy; but, Sir, has it been faithfully applied to the uses for which it was allowed? Certainly not. Immense estimates have been given in and voted for repairing ships year after year, to the amount of some hundred thousand pounds, which ships have never been touched; the *Hero*, the *Dragon*, the *Arrogant*, and others, which we have so often been told were in forwardness, and nearly finished, and on the faith of which official assertion we supplied still further sums, are not one of them, even at this day, fit for service, nor has the money been laid out on them, nor any one of them. The only article in the navy magazines that has been considerably added to by the present ministers, is the article of foreign timber, in contracts for which they have been sufficiently lavish; but, Sir, it is to the destruction and not the preservation of our navy that foreign timber has been introduced preferably to our British oak; such contracts may, indeed, enrich a few individuals here, and also the towns of Bremen, Rosstock, or Stettin; but the wood is of a bad quality, and ought not to be used at all. British timber might have been obtained, and the proper methods of seasoning and preserving of it been thoroughly known, if due attention had been paid to so essential an object.

As the noble lord (Sandwich) who is peculiarly an object of our consideration to-day, was pleased, in another place, to comment upon certain arguments used by me in this House during a former navy debate, I may be allowed to offer a few observations upon his reasoning. His lordship maintains, that the navy-expenditure is at this day pretty nearly the same as in former times, so far back as the Pro-

tectorate in 1651. Now, Sir, what resemblance may be found between the navy-estimates of that æra and those of the present, I am at a loss to discover. The pay of your seamen, which at the beginning of the Protectorate was from 13s. to 16s. per man, is now higher by one third. The ordinary and extraordinary of the service, which in 1779 amounts to near a million sterling, came exactly to the sum of 20,000*l.*, and the noble lord, who breaks up the King's ships by scores, at his own pleasure merely, who sells them when and for what sums he pleases, now and then re-purchasing them at above double the price they were sold for; I say, the noble lord might have learnt, that in the time of the Protectorate, the Commons considered in committee on the propriety of breaking up a single man of war (the *Dreadnought*), and when the Commons had approved of their report, they sent to the other House for its concurrence. A certain naval minister in this House (Mr. Ellis) is continually referring us to examples of a rather later date, the reigns of Charles 2, and king William; let us see if either of those will warrant the present misconduct. The former of the two was indeed sufficiently corrupt and prodigal, during the first Dutch war: upon an enquiry into the state of the navy, there was discovered a considerable waste of the public monies, the treasurer of the navy's account ill kept, and many sums paid into his hands totally unnoticed. He was punished accordingly. In the second war against the republic of Holland, our maritime affairs were still worse conducted, under the government of that flagitious set of ministers called the Cabal, who prevailed upon their sovereign to rob the Exchequer, and to suspend, by virtue of his regal authority, the operation of an act of parliament for the better regulating and manning the royal fleet. But the ministers who composed that Cabal at length met with their deserts, and their impeachments upon your Journals might well be held up *in terrorem* to those who now occupy their places in the state, and who approach nearly, if not altogether, to their measure of guilt. However, Charles 2 at length owned his faults, and in a speech to his parliament used these words, "I have not been as good an husband of my people's money as I ought to have been, nor as I am resolved to be in future." The Commons, during the remainder of his reign, took care that the money for the navy should be applied

to the specific purposes for which it was granted, under severe penalties, ascertaining the rates of ships of war to be built for the royal navy, with their tonnage, and price to be given per ton, &c. In proof of this Mr. Luttrell referred to the navy grants for 1675, and 1676.

He then took a short view of the navy during the reigns of king William, queen Anne, and George I, proving that the Commons had held it their indispensable duty, from time to time, to inspect strictly the navy accounts, correct mismanagement, punish delinquents, as in the year 1710 and 1711, and obtain from the crown directions for the Admiralty-board to retrench the navy charges, as in 1699, and 1700, under sir George Rook. He then desired the Clerk to read the speech of George I, October 19, 1721, in which the king complains of the weight of the navy debt as a signal detriment to his government, and to the public credit; yet the navy debt, which is now five millions and upwards, and which will, eight months hence, amount to at least seven millions, was then but 1,700,000*l.* and when sir Joseph Jekyll* (a most respectable character in his day) moved for an exact account of this debt to be laid before parliament, he was seconded by the minister himself (sir Robert Walpole), who agreed that parliament could not justify it to themselves nor to their constituents, to give away the public money blindfold; but he begged leave to assure the House, that of 1,700,000*l.* no less than 1,100,000*l.* had been incurred during the late reign, and the 600,000*l.* in addition, which had been accumulating ever since 1714, to that time, was chiefly occasioned by a greater number of seamen having been employed in the Mediterranean and Baltic, during the war with Spain and Sweden, than had been provided for by parliament at 4*l.* per month each man, and the remainder accrued from the interest of navy and victualling bills; but he pledged himself to the House that not a shilling had been advanced for the navy, but what had been expressly approved of by the House.

He next took a view of the late reign, and plainly demonstrated, that enquiries were, from session to session, had in the House of Commons, as to the application of the monies allowed for the royal fleet, and lists constantly demanded and granted,

of the ships actually in commission, with their number of men respectively, stations, &c. which, being produced to the House in the subsequent years, could give no information to the enemy within the possibility of mischief. He instanced the years 1740, 1741, and 1742, particularly two orders in 1741, which was in the midst of a foreign war. But before he concluded he would indulge the hon. member who spoke on the navy business a few nights ago (lord Mulgrave) with a comparative view of the navy in the years 1759 and 1778, which the noble lord had only slightly touched upon. For in 1759—the most glorious period of the most glorious maritime war this country was ever engaged in—60,000 seamen and marines were voted in parliament; the numbers actually raised, as we find by the book on your table, were 80,000 at a medium. We had 65 sail of the line in the several squadrons of North America, Jamaica, Leeward Islands, East Indies, the Mediterranean, and upon cruises or convoys; we had, besides that number abroad, 27 sail of the line at home; in all, in June 1759, in commission and actually fit for sea, 92 men of war of the line, besides store-ships and hospital-ships; 23 ships of 50 guns, 54 frigates of 32 guns and upwards, and 42 sixth-rates. In June 1778, we had on foreign stations, 27 of the line (including Byron's squadron), and at home 22 of the line, exclusive of store-ships and hospital-ships in commission, and actually employed; about 30 frigates of 32 guns and upwards, 14 ships of 50 guns, and 40 sixth-rates. The grants for the navy in 1759 were about 3,700,000*l.* and the debt in addition was 1,624,000*l.* the grants for the navy in 1778 were about 4,100,000*l.*, and the debt in addition is 1,764,000*l.* so that the navy last year cost above half a million more than in 1759; and it is to be remembered, that, according to the returns of the navy-office, there were about 10,000 men in pay in 1759 more than in 1778. In 1759 your 74 gun ships were allowed 650 men, and now their establishment is lowered to 600 men.—He concluded with shewing, in opposition to lord Mulgrave's state of the two fleets on the 27th of July last, that the French fleet, notwithstanding our superior number of three-decked ships, was in fact as strong as that under admiral Keppel. He likewise made some animadversions upon sir Richard Worsley's assuming the character of an independent country gentleman. He

* See Vol. 7, p. 917.

severely censured administration in having contracted for 24 and 28 gun ships these four or five years last past, and not having provided the larger frigates of 32 and 36 guns, which were the most useful in a French and Spanish war; he observed, that only one frigate of that description was to be launched in the course of the current year; and he exhibited, in very alarming colours, the present condition of our fifth and sixth-rate ships.

Sir *Richard Worsley* took notice, that the hon. gentleman who made the motion had alluded particularly to a description of men in that House, among whom he wished to rank himself; and whom the hon. gentleman had described as coming down to the House that day, to give their support to the minister. The hon. gentleman said, he took an opportunity of reminding the country gentlemen, how ministers had deceived them; how they had promised an American revenue and unconditional submission; but that instead of performing their engagements, they had relinquished the most distant thoughts of either. He could answer for one, and doubted not but it was the case of numbers of gentlemen present, that he recollected every one material measure that was proposed, the circumstances which made them necessary, or accompanied them; and he could safely lay his hand upon his heart and affirm, that he never gave a vote upon any one of those measures that he repented of, or that he would not repeat under similar circumstances.

Mr. *Grenville* said, as to the main fact on which the motion turned, that of the comparative states of our navy, in 1756 and 1778, he had an authentic paper in his hand, which he believed would appear decisive to the House. It was copied from the papers of an honoured and most dear relation. The fact was, that the British navy consisted of above 130 ships of the line, and 150 frigates, in 1756; of which 89 of the line, with 102 frigates, were actually fit for service; 60 of the line detached in squadrons, convoys, stations, &c. and the remainder retained for home defence. He was convinced a change of measures, and of course of men, was become necessary; he would not take a place under the present administration, nor under whoever might be called by the voice of the nation to succeed them; but he could not avoid giving his public testimony that he thought the present ministers were no longer deserving of national

confidence. The hon. gentleman who spoke last had said, he gave his confidence to administration. He could say the same. The hon. gentleman had voted in support of administration: so had he. The hon. gentleman still gave them his confidence and support, he never repented of a vote he gave them, nor had given one that he would not again repeat. The hon. gentleman declared himself a country gentleman. He hoped, both from his independent views and particular situation, he had a claim to be enrolled in that class; but whatever similarity there might subsist in other respects, their present sentiments very widely differed. He was now convinced, that the measures respecting America were wrong at the outset; that they were worse conducted; that instead of resting the claims of this country over her colonies, on grounds truly constitutional, we had set up demands, which if attended with successes, must have terminated in tyranny and oppression. That instead of putting an end to the first complaints, by adopting measures of a lenient nature, we increased the public discontents, and irritated and inflamed; that when things arose afterwards to the alarming height they did, we fed the disease by weak and irresolute measures, instead of acting with vigour; and that finally, when we resolved to adopt a conduct, which if proper at all, should have taken place much earlier, we found ourselves totally inadequate to the task, and were afterwards compelled to sue for terms, and those, too, of the most humiliating and disgraceful nature, which, considering the time they were offered, and the other concurrent circumstances, which were the cause of such concessions, so derogatory to the honour and most essential interests of this country, they were, it might well be expected, rejected with the contempt they deserved. He should sit down with declaring, that every part of the hon. gentleman's proposition met with his most hearty approbation.

Lord *North* agreed with the hon. gentleman who moved the previous question, that there was no evidence before the House to justify the proposed vote; but contended, that giving a negative did not preclude the House from entering into an enquiry hereafter. The charges were direct; they were matters worthy of public consideration, and ought to be enquired into. The previous question was, therefore, unnecessary. Facts were stated in

the motion which had not a tittle of proof to support them; consequently, till they were proved, the most regular mode of proceeding was to meet them with a direct negative.—His lordship said, he did not build upon his popularity, or parliamentary influence, in order to shield the first lord of the Admiralty. What he said the other night proceeded from motives of justice. The first lord of the Admiralty was no more censurable than any other of his Majesty's confidential servants. He had but one voice in determining measures of state, and was therefore no farther responsible than for what came to his individual share. His lordship then read the motion, and endeavoured to shew that no part of it was supported by fact. In answer to the hon. gentleman who spoke last, that our force in 1756 consisted of 89 ships of the line, he insisted that it was no more than 71, whereas, the present force amounted to 80 ships of the line. He proceeded to the other parts of the proposition in the same manner, and met every single fact with a contradiction.—His lordship lastly replied to Mr. Luttrell, and entered into a great variety of computations, in which was included the whole question relative to the grants for naval services; the manner of voting them, and making up the accounts; of passing those accounts at the office of the auditor of the exchequer; of the incurring the expences under the several heads of expenditure, as well those voted by estimate, as those coming under the description of extra service or navy debt; of the requisitions to the board of treasury, and the warrants issued to the treasurer of the navy, &c.—He next replied to several parts of the speeches of lord Howe and admiral Keppel. He said the noble lord had expressed an intention of retiring from the service. He confessed he was sorry for it, because he was well convinced of his great professional ability; but at the same time he was totally unconscious that any cause of disgust had been given to the noble lord. If there had, he could truly affirm that he had no hand in it; and was persuaded, that every one of his Majesty's confidential servants were equally blameless. He was sure that they entertained the highest respect for him as an officer and a man; and they might well be charged with all the folly and incapacity laid at their door, if they could have entertained a design, or entered into any conspiracy to defeat the successful execu-

tion of measures, which they had so nearly at heart, and which it was their duty to promote.—Much had been said relative to the neglect of ministers, respecting the protection of our commerce in the Mediterranean, and the necessity there was for sending a force into that sea. He thought that objection had been fully answered by the confession of the hon. admiral himself, who acknowledged, that on being consulted as to the propriety of detaching early to the Mediterranean, he gave his opinion against it. Much of the same argument had been repeated by the hon. gentleman who made the motion; by the noble lord, and the hon. admiral, of our inferiority of force in the month of June last; that point had been already decided upon, the sense of the House had been taken, and it had, after solemn debate, declared that the evidence of the fact was not sufficient to entitle it to the sanction of a vote. But, independent of any previous opinion, he thought now, as he had done then, that the French fleet was not superior to ours, when the hon. admiral sailed from Plymouth. He believed the force was pretty nearly balanced, that both fleets were in a forward state of preparation, and the event proved the strong grounds on which this conclusion rested; because, when both squadrons got sight of each other on the 23d, they were thirty ships to thirty; though on the 27th the French were inferior, on account of two ships of their squadron having been by some accident separated, or not in a condition to keep company with the rest of the fleet.—On the whole, the prime object of sending the squadron to sea at either time, when the admiral first sailed from Plymouth, and afterwards from Portsmouth, being to protect our trade and commerce both outward bound and returning, he thought it a very wise measure to send Mr. Keppel to sea; the event proved that it was. Our merchant fleets proceeded with safety to their different destinations; our East and West-India fleets were protected; the commerce of our enemies was interrupted, and became the prey of our privateers almost to its total ruin: so that, on the whole, he was enabled to affirm on the justest grounds of fact and probability, that we were equal to France, if not superior, in the month of June; and that instead of the first lord of the Admiralty or his Majesty's ministers deserving censure, for sending the hon. admiral to sea with twenty ships of the

line, they merited the thanks of that House, and of the public at large.

Mr. *Byng* replied to lord North upon the supposed want of proof. The noble lord read the motion, part by part, and had endeavoured to put a negative upon each separate position. In imitation of the noble lord, he begged the House to indulge him in the same manner. He should not press the same facts, which had been already so ably and correctly stated by his hon. friend who made the motion, nor the very important authentic document, read some time since by another hon. friend (Mr. Grenville) which had not even been attempted to be invalidated by any one person, except by a loose assertion made by the noble lord in the blue ribbon. He should appeal to the feelings and conviction of the House, and read his hon. friend's motion negatively, and then leave it to the good sense and integrity of the House whether any person present would give the motion, thus altered, his assent. The motion would then run thus: "It appears to this House, that the state of the navy, at the breaking out of the war with France, was very equal to what this House and the nation were led to expect." Where was the man daring enough to maintain that proposition? And, "adequate to the exigencies of the various services for which it was the duty of his Majesty's ministers to have provided for at so important a crisis." Does not this, on the first blush, appear equally false and ill founded? Or will the noble lord undertake to say, "that either were equal or adequate, to the declarations of his Majesty's ministers?" He will not, he cannot. Or, lastly, will any man contend "that the great sums of money granted, and debts incurred, on account of the naval services," were exactly correspondent "to the real state of the navy?" He proceeded to observe upon the motion in this manner, and created a deal of mirth on every side of the House.

Mr. *Burke* next rose, and was severe upon the language of the noble lord in the blue ribbon, both on that and the preceding day, relative to the collective responsibility of ministers, and the individual irresponsibility of each, for matters transacted in his respective department; a language, he contended, equally new in that House and out of it; for it amounted, in fact, to an avowed irresponsibility, both individually and collectively. The chancellor, the secretaries of state, the first lord

of the Treasury or Admiralty, according to this doctrine, might do or suffer any thing, without being amenable to parliament or the nation. If they were over-ruled in cabinet, says the noble lord, they cannot be responsible; if they are not over-ruled, neither can they be responsible: so that whatever any minister had done, or hereafter might do, he was by no means answerable for; because the evil or mischief transacted was transacted in the company of others. Who are those others? That no man can tell; the advisers of the crown are enjoined to secrecy. They may be the first movers or abettors of the greatest of all possible mischief, or any member of a committee or council may consent to be the instrument of carrying it into execution: but what of that? The instrument may perpetrate the mischief, though as one of the King's advisers he should disapprove of it, with impunity; if he is a mover in it, he is equally beyond the reach of public justice or parliamentary censure; because it cannot be deemed his act, but that of the majority of those to whom it is proposed. But who are the persons that compose this majority? That is not to be told; somebody, or some persons, have committed the crime, but no man is to be questioned for it. The noble lord in the blue ribbon, in his usual pithy and humorous manner, related a saying of the late sir Godfrey Kneller, that a thief was not to blame, but the person who left the thing stolen, in his way, which operated as a temptation to him to commit the criminal act. He begged leave to tell another story, he hoped no less applicable. Two men with cloaks went to an eating-house, and one of them stole a piece of meat, and concealed it under his cloak; Oh, said the master to one of them, you are the thief, restore me my meat. No, says the thief, I am not, I give you leave to search, having previously shifted it to his companion. The latter being questioned in the same manner, returned it with equal dexterity to his colleague. So it was with the confidential servants of the crown, on the present occasion. If any of them is charged personally, it is not his act, but that of his brother advisers; and if the whole body is charged, another rises and answers for his share only, but leaves the nation to find out and search for the real authors; for the noble lord tells you, that every thing is determined by a majority not known, nor whom no persons but themselves are permitted to know. He

then moved, that the speeches from the throne from the 26th October, 1775, till the last delivered in November 1778, be turned to, and that part of them respecting the disposition of foreign powers read; which being complied with, he observed, that they contained the most full and complete evidence of the public acts of ministers, contrasted with the real situation of public affairs. In them they had, particularly for the three last years, stated their apprehensions of the interference of foreign powers, accompanied with the fullest assurances of taking the most effectual steps for putting this country into a proper state of naval defence. They assured us, that France and Spain, so long as two years since, were arming, and gave it as a reason for an increased naval establishment. Were they at the end of those two years equal to France and Spain united, or even to France alone? On the opening of the last session, they again stated their apprehensions of the formidable naval armaments going on in the ports of Spain. Would the noble lord, or any one person in that House, rise and aver, that our navy was at this instant in a situation to contend with the united fleets of France and Spain? He was sure, confident as they were, they neither would, nor dared. Here, then, was the clearest evidence, arising from parliamentary documents, and those of the highest nature, proceeding from the mouths of ministers themselves, that the state of the navy, in the terms of the motion, was unequal to what "the nation and that House were led to expect from the declarations of ministers." He would not go back either to the close of the year 1777, or to July 1778; but he would put the question fairly and roundly to ministers up to the present moment. Was the state of the navy, at this instant, supposing Spain should think proper to take a part in the quarrel, equal to those declarations which ministers had put into the mouth of their sovereign? Were we either superior to, or able to cope with, the united force of the whole House of Bourbon? He concluded with giving his assent to the motion of his hon. friend.

Lord *Howe*, in reply to lord *North*, condemned the several naval arrangements, so far as they respected Europe. He said it was highly absurd to suppose that the force in Brest harbour was not superior to that sent out under the command of his hon. friend; that the Mediterranean had been shamefully neglected; and that, in

his opinion, our home defence was no way answerable to the vast sums expended, nor at all "adequate to the services necessary to be provided for at so important a crisis."

Admiral *Keppel* denied that he was sent out either as a convoy, or to protect the home trade. Neither of those were the objects, unless by consequence. He allowed, if the Brest fleet was kept in harbour, that of course the home trade was thereby protected: but the way to effect that, was not by sending him out with an inferior force; for if he had kept the sea, both his squadron and the trade would have run the risk of being destroyed. The noble lord in the blue ribbon, and the other noble lord near him, had mentioned in argument, that there was no proof, but the imperfect papers found aboard the *Pallas* and *Licorne*, of the superiority of the Brest fleet. This matter had been purposely or mistakenly misrepresented. He had not solely relied on the information contained in the papers. Persons taken aboard had been examined, their information compared, and the whole uniform correspondent stream of evidence was, that there were 27 ships of the line then lying in Brest water, perhaps, by what appeared to the contrary, at that very instant at sea.

As to the fleet under his command being superior on the 27th of July to that of France, as asserted by the noble lord who spoke first, he was mistaken, or did not attend to his assertions properly. The fleet of France was superior in number, but in point of strength nearly equal. If we had seven three-deckers, they had a great number of eighties; and though he granted in some situations three-deck ships were better than those of two, he doubted much if in an engagement such as that of the 27th of July, that two-deckers, being more manageable, and capable of quicker movements, and easier worked, were not fully equal to three-deckers, many of which were known to be slow sailers. At all events, if he had his option, he did not know which he would have chose. He would have fought either fleet with equal confidence of success. He did not mean to arrogate to himself any superior ability, nor to insinuate that the French were equal to us in point of skill or bravery, but merely as to the point of effective strength.

Sir *James Lowther* said he was for the

previous question moved early in the day by Mr. Adam; and said, if there was an enquiry, it ought to be a judicial enquiry.

Mr. Fox rose about a quarter after twelve, and begged that no person would give a vote in favour of his motion, who was not perfectly satisfied that the general facts stated in it were fully proved both literally and substantially, and that ministers had failed in their repeated assurances to the nation and that House.

At one the House divided on Mr. Fox's motion :

Tellers.

YEAS	{ Lord John Cavendish - - }	174
	{ Mr. Thomas Townshend - }	
NOES	{ Lord Beauchamp - - }	246
	{ Mr. Charles Townshend - }	

So it passed in the negative.

Debate in the Commons on a Motion for granting further Relief to Protestant Dissenters. March 10. Sir Henry Hoghton, agreeably to the notice he had given some days before, said he should move for some farther relief being granted to Protestant Dissenters. Sir Henry entered, in a summary way, upon the whole extent of the argument of religious toleration; and contended, that, as a liberal and enlightened nation, it was a matter of great reproach to this country, that its established church still retained the prejudices of barbarous times, and continued the practice of intolerance and persecution, in direct opposition to the true principles of Christianity, and in defiance of the precepts of the divine institutor of our holy religion. Sir Henry spoke of the favour lately done to the Roman Catholics by the legislature, asserting that the measure was exceedingly wise and proper, but arguing that it was much more necessary to afford some relief to the Protestant Dissenters; and that after such a step as parliament had last year taken respecting the Roman Catholics, it would be the most absurd piece of conduct, and the most violent inconsistency, if they refused to extend a similar degree of toleration to sects who were quiet, inoffensive, and useful citizens, and whose religious opinions came so much nearer the doctrines of the church of England. He then took occasion to shew, that his argument was not built merely upon his own private opinion; he said that some of the most learned and best informed members of the established church entertained the same sentiments, and not

only men whose profession was not clerical, but ministers of the word of God, and ministers who had attained very high honours in the church. In support of this assertion, he mentioned the bishop of Exeter, who in his sermon, preached on the 30th of January, had emphatically expressed his wishes that religious toleration were extended, and that the Protestant Dissenters might have a legal security for the free exercise of their worship. With the leave of the House, sir Henry read an extract from the bishop's sermon, couched in the strongest terms of philanthropy, liberal sentiment, and solid sense. Having finished his recital, sir Henry concluded with moving, "That this House will, immediately, resolve itself into a committee of the whole House, to consider of granting further Relief to Protestant Dissenting Ministers and Schoolmasters."

Mr. Montagu seconded the motion, and as he conceived every man in that House had the liberality to be an advocate for toleration, he could not suppose any one would rise to oppose a motion so fair, and of so little extent, as that of his hon. friend; for which reason, he declared, he would not add a word in support of his argument, but would reserve his sentiments for a future occasion.

Sir W. Bagot began with professing himself as zealous an advocate for toleration as any man in the House. He begged, however, that gentlemen would consider that the motion led to a matter of as much importance as had ever been agitated in parliament, no less than an alteration of the constitution of this country; an essential alteration in her establishment of church and state. He took a short review of our present situation; said, these were days of tumult, of division, of jealousy, and of war: declaring that there wanted nothing but the implacable spirit of religious controversy to blow upon the very existence of this empire. He wished, therefore, that the agitation of a question of so serious a nature were postponed till quieter times, and the minds of men were less agitated and less inflamed. He said that it was dangerous, at this particular crisis, to attempt any alteration in the religious laws of this country. That there was no complaint of persecution made by the Protestant Dissenters, nor any desire expressed by them of having a greater degree of toleration than they now enjoyed. On the contrary, from the sermons of some of the ministers of that per-

suasion, and from other publications, it was obvious, that the toleration as it now stood was ample, and that, under that toleration, doctrines were disseminated of a very extraordinary nature indeed. He spoke of the alarming progress of Atheism, and of the multiplicity of atheistical opinions which were daily issued from the press. He called the recollection of the hon. gentlemen who made and seconded the motion, back to what had passed, when it was last attempted to alter the laws respecting Protestant Dissenters. At that time the petitioners came to parliament with a pledge in their hands, a test that they were Christians, and yet it was thought improper to grant them the relief prayed for. They had at that time asked for relief on the express condition of using the Holy Scriptures, and preaching the Gospel as the divines of the established church did; now, he understood, they were to be left at large, neither to subscribe to the articles, nor to give any pledge whatever as a security that they would not oppose the fundamental doctrines of Christianity.

Mr. *Montagu* begged the hon. baronet to consider, that the present motion did not go in the least to alter the constitution; on the contrary, it was only the first stage of an endeavour, to afford the Protestant Dissenters the same degree of toleration which had lately been granted to Roman Catholics. He was not a little amazed to hear the doctrine, that a Bill to warrant toleration would create tumult and occasion controversy; he had ever imagined, that an extended toleration would put a stop to the latter, and prevent the former. He had been accustomed to think, that religious controversy arose from bigotry, from enthusiasm, from obstinacy, and from ignorance, and not from a liberal allowance of opinion, upon a subject respecting which all sentiments were rather founded in hope than in certainty. The hon. baronet had professed himself a friend to toleration, and yet rose to oppose it, where it might be given without the least danger to the state, or to individuals. The intention, it was true, was to give free, unlimited toleration to the Protestant Dissenters. The hon. baronet had wished, that they might subscribe to the articles of the established church. Was it possible, in the nature of things, to make a more absurd requisition? What! ask a religious sect, of a peculiar way of thinking, to subscribe to the articles of another sect of a

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directly opposite opinion? There was such a manifest inconsistency in the supposition, that it was not worth a moment's argument.

Sir *George Yonge* declared himself an advocate for toleration, was heartily pleased that the business was begun upon, rejoiced that it had got into such able hands, and promised the hon. mover his assistance and concurrence.

Mr. *Wilkes* said; I rise not at this time to enter into the merits of so important a question to religious liberty among us, but to answer the objections of the hon. gentleman near me, against going into a committee for this consideration. This early opposition is more harsh than well-judged. He thinks the question should not now be agitated, because a time of tumult, distress, and war, is a very improper season to make the least change in the state of religion in any country. Did the worthy baronet forget that a just relief was the very last year granted to many oppressed loyal subjects, to the Roman Catholics, and an important change made in their situation among us? Yet, Sir, the last year was equally a year of tumult, distress, and war. Not the least inconvenience of any kind has arisen from the act of last session in favour of the Roman Catholics, from so great an alteration in our ecclesiastical police. On the contrary, the nation has more firmly attached to it by the ties of gratitude a very considerable number of useful subjects. Not the least tumult or disturbance has been the consequence of that wise measure. It is impossible, Sir, that toleration can create tumults and religious wars. Persecution is, indeed, a most active demon, delighting in human sacrifices, has drenched our fields, and dyed our scaffolds, with the slaughter of the victims of religious rage; but the spirit of toleration is conciliating, heals divisions, and teaches men mutual forbearance, meekness, gentleness, and universal benevolence. The worthy baronet, in the great compass of his reading, will not give a single proof of the mischief even of the most unlimited toleration; but he will find innumerable marks of the bloody footsteps of the revengeful and remorseless persecutor, less intent to save than to destroy.

Another objection, which the hon. gentleman has urged, is, that there is no petition before the House from any body of the Protestant dissenters, no complaint of persecution, no instance of severity against

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any of the sects which differ from the establishment. When the House proceeded the last year to give relief to the Roman Catholics, was any petition previously presented? Was a committee appointed to state the various facts of persecution, or even harsh usage? Were any cases of that nature urged in proof? No, Sir; the House proceeded on the liberal idea of removing all unjust and impolitic restraints, on the justice of leaving the subject free as to all opinions merely religious, on the natural rights of every man to worship his Creator in the manner which he thinks most acceptable to the Deity. The Roman Catholics had not been harassed by any legal prosecutions; but the laws were unrepealed which put them in the power of every infamous informer. They were subject at any time to the most rigorous penalties, at all times to the most mortifying restraints. The wisdom and equity of parliament at last interposed, and restored them to several of their natural rights. Surely, Sir, the Protestant dissenters have a much stronger claim on government. They have steadily supported the cause of freedom. They have acted on almost every occasion with spirit and vigour against those who have endeavoured to overthrow this free constitution, and bury liberty in its ruins. As the consequence and proof of their attachment to the cause of liberty, they have been among the most zealous for the succession in the present illustrious family, a succession often secretly attempted to be undermined, and openly invaded by the tools of arbitrary power, both at home and abroad. At this hour, however, the dissenters remain subject to several barbarous and cruel laws, enacted on the spur of a present necessity, as it was thought, and therefore acquiesced in almost without murmuring, but laws, which disgrace a thinking people, and are a contradiction to every principle of sound policy.

The hon. gentleman near me has opposed the motion on another ground, the danger of it to the established church at this alarming period. He pathetically laments the progress of Atheism, and the publication of many atheistical books within the last twenty years. I think this accusation on our country ill founded. I believe, Sir, I have read more books of religious controversy than the worthy baronet, and I deny the publication of the numerous atheistical works, which have engaged the public attention, in this coun-

try, even for the last half century. I might call for the proof of a single atheistical book, of the least note, published in the 18 years of this pious, if not glorious reign. Deism indeed, Sir, sound pure Deism, has made a rapid progress, not only in this island, but in every part of the continent. It is almost become the religion of Europe. Atheism is certainly not the prevailing, fashionable error of this enlightened age or country, but every year adds to the number of the disciples of Deism. I have not heard of any outrages or violent persecutions among the Deists, although certainly they are greatly multiplied of late; but we have to lament the uncharitable spirit of most sects of Christians, and even of not a small number of the established church of our own country, of which I am a member as well as my good neighbour. The hon. gentleman is not well informed. It is a mistake to impute all the late publications against the received system of the Christian religion to the Protestant dissenters of any denomination. The fact is, that the authors of the greater part are members of the established church of England.

As the laws now stand, a dissenting preacher is obliged, in order to avoid severe penalties, and to enjoy the benefit of the Act of Toleration, to subscribe the 39 articles of the church of England, that is of another church, except the 34th, 35th, and 36th, and a part of the 20th article. I hope we shall go into a committee to consider of the repeal of so unjust and uncharitable a system of laws. I will not now, Sir, examine the orthodoxy, or absurdity, of the doctrinal parts of the 39 articles; but I desire to protest against any man's being compelled to subscribe them, because they militate against the first great principle of Christian charity. In the 8th article we find, "that the three creeds, Nicene creed, Athanasius's creed, and that which is commonly called the Apostles' creed, ought thoroughly to be received and believed: for they may be proved by most certain warrants of Holy Scripture." Now, Sir, one article of faith in the Athanasian creed is, that "except every one do keep whole and undefiled the Catholic faith, as set forth in that creed, without doubt he shall perish everlastingly." I want words, Sir, to express my horror at the total want of Christian charity, the indecency, the foolish prejudice, and even insolence of such a declaration. A much higher church authority than St. Athanasius, the

Apostle Peter, assures us, that "in every nation he that feareth God, and worketh righteousness, is accepted with him;" and the great Apostle of the Gentiles, St. Paul, seems to hold a very different doctrine; for he tells us of three beautiful sisters, the three Christian Graces, Faith, Hope, and Charity, which abide, these three, but he adds, "the greatest of these is Charity." I hope the committee will exempt the Protestant dissenting ministers and school-masters from being called upon to subscribe this monstrous proposition of St. Athanasius. I think it our duty, for these considerations belong directly to the jurisdiction of parliament. By the very writs of election, we are called together to consider of "certain arduous and urgent affairs concerning the State and the Church." The moment likewise appears to be happily chosen, for the bandage is at last fallen from the eyes of Superstition, and Persecution drops her iron rod.

I am not struck by the dread of the danger to the church, with which some gentlemen seem alarmed. On the contrary, I think it would do honour to our church to treat with tenderness all those, who are unhappy enough not to be in her bosom. I admire the temper with which the late indulgencies to the Roman Catholics were received, and most certainly a reformed church must be still more kindly disposed to their Protestant brethren. Our Master has told us, in the largest and most general terms, that "where two or three are gathered together in his name, he was in the midst of them."

Sir, I honour the ingenuity of the worthy baronet who made the motion, in contriving to oblige us to hear many pages of a sermon, by reading them as part of his speech. It was happily imagined; for I understood, on a late occasion, not one member of this House attended you, Sir, to St. Margaret's, and I believe the chancellor likewise, on that day, was left without a single lord. Surely, Sir, it is then high time to discontinue the observance of that annual fast for the death of a tyrant. Many other sermons have been quoted by other gentlemen, but the proof arising from them only goes to the private sentiments of the preacher, or of the few who hear, or read, and approve those sermons. I really think the general opinion of the clergy at this day, is for a liberal toleration, and I trust a majority even of the episcopal order will assent. They have acquiesced in the justice done to the Ro-

man Catholics, and I hope the present relief intended to the Protestant dissenting ministers and school-masters will not be given with reluctance, nor in the least delayed, but cordially adopted both by clergy and laity.

Sir *Roger Newdigate* was against the motion, and contended that it was equally unwise and dangerous to the fundamental principles of the established religion, to alter the laws of toleration. He begged gentlemen to remember that they represented millions of Protestants of the established church, and that they ought in duty to regard their interests, in preference to those of a few Protestant dissenters. He said that the Protestant dissenters, at present enjoyed a greater degree of toleration in this country, than in any country in the world; asserted, that our church breathed an air of meekness and liberality, but that the dissenters themselves shewed a spirit of persecution and intolerance; instancing the present persecution of the members and ministers of the church of England by the Americans, declaring that there was scarcely a ship came home from across the Atlantic, in which there was not one or more clergymen of the established church, who had been deprived of their livings, stripped of their property, and even forced to fly for their lives. He asserted, that when the Bill for the relief of the dissenters was last in agitation, his levees were every morning crowded, not with divines of the church of England trembling for their incomes, not with dignitaries of the church of England trembling for their episcopal honours; but with honest, worthy, and respectable Protestant dissenters, good Christians, and orthodox ministers, who came to complain of the danger of the measure in agitation, and to beg that he would oppose it; because, under the pretext of relieving them from subscription, it would let in the Anti-Trinitarians, the Anabaptists, and all manner of sects, and be attended with consequences infinitely mischievous to religion in general. As a proof that the present Act of Toleration went far enough, he mentioned the late publications of the dissenters: not publications merely upon points of polemical controversy, but striking immediately at revelation, and denying the immateriality of the soul. These publications, he declared, came not from ignorant men, from the lower order of dissenters, but from its ministers and preachers; from divines of that church of ac-

knowledgeed learning and acknowledged ability. He said further, that the present application was not for a trifling relief, but for an essential alteration in the legal establishment of the religious constitution of the country; for an *imperium in imperio*; for a degree of power being given to Protestant dissenters, which was extremely alarming, and ought to be opposed by every man who held the constitution of his country sacred, and who regarded the religion of his country in its proper light, as the foundation of all our liberties.

Sir *Adam Fergusson* declared he rose principally to set the hon. gentleman right, respecting one of his assertions. He had said, the Protestant dissenters enjoyed more toleration in England, than any sect enjoyed in any country on the face of the globe; the assertion was ill founded. The religion of this united kingdom was notoriously of two kinds; episcopal in England, presbyterian in Scotland. The Episcopalians who were in Scotland, consequently, were dissenters from the established church there. No sect whatever could enjoy greater toleration. At Edinburgh they had a very large church, and performed their religious offices with the greatest splendour and the greatest freedom. It was a matter much to the honour of the city of Edinburgh. What was more, those of the established church of England who lived in Scotland were suffered to exercise their religion there, without being asked to subscribe to any article of the church of Scotland, or to give any test whatever of their principles. He took notice also of the absurdity of calling upon dissenters to subscribe to articles opposite to their religious opinions, and said, he feared there might be found some instances of dissenting ministers having subscribed the thirty-nine articles, several of which they did not believe.

Sir *J. Goodricke* thought it was the properest time of any to grant the relief requested; union was much wanted throughout the kingdom, and this would promote it.

Sir *H. Hoghton* said a few words to clear the Americans, on the authority of Dr. Franklin, from the charge of persecuting the clergy there of the church of England.

The question being put, the motion passed almost unanimously, and the House went into a committee directly, Mr. Montagu in the chair. A Resolution was come to, that leave be given to bring in a

Bill for the further Relief of Protestant Dissenting Ministers and Teachers: and the report of the said Resolution, was ordered to be brought up on the 17th.

Motion for a Committee on the State of the Trade and Commerce of Ireland. The House being resumed,

Lord *Newhaven* hoped, as a spirit of toleration and liberality had gone forth in the House, that the relief he had to propose for Ireland would not fail of success. When he moved for a general enquiry into the laws respecting the trade of that kingdom, he was told that he was too general, and ought to lay before the House some specific relief. He had therefore adopted that mode. But before he intimated it, he would beg leave to say a few words. The noble lord then took a cursory review of the trade of Ireland. The facts which his lordship stated, to shew how much the distressed state of Ireland affected England, were, that on an average of the last ten years the exports from England to Ireland were decreased about 600,000*l.*, and in the two last years they had decreased 716,000*l.*: that the exports from Ireland in the last two years had decreased 155,000*l.*; of which decrease 75,000*l.* were on the staple of linen; that the exports from England into Ireland on an average of ten years were 2,057,000*l.*; that the imports from Ireland into England were but 1,353,000*l.*; so that the balance in favour of England, on an average of ten years, was 704,000*l.* per annum, which, multiplied by the ten years, plainly shewed that England gained by the trade of Ireland alone 7,040,000*l.* in that time. He moved, "That this House will, on the 19th instant, resolve itself into a committee of the whole House, to take into consideration so much of the several acts of parliament, relating to the trade and commerce of Ireland, as relates to allowing the importation of sugars from the British colonies and plantations into the kingdom of Ireland."

Governor *Pownall* objected to this mode of proceeding. No complaints had come regularly from Ireland before the House of the distresses of that country, or the relief they expected: two or three lords in that House, members of the Irish parliament, had indeed informed them of it; but this was no ground to proceed upon. It ought to have come to the House from authority, from the lord lieutenant of that kingdom, representing the state of Ireland

to the secretary of state, and then it would have been properly introduced; but without some case in point, for one noble lord to produce one proposition for the free import of sugars, another to come afterwards with some other demand, perhaps for indigo, and, should we recover Carolina, for rice, and a third for some other produce, it was like pulling the horse-tail to pieces hair by hair, instead of cutting it off at once. The distresses of Ireland, like those of England, arose from the American war.

The motion was also opposed by sir G. Yonge, sir Adam Fergusson, sir P. Clerke, and Mr. Cruger, and supported by lords Nugent and Beauchamp, Mess. T. Townshend, W. Ellis, Dempster, sir E. Astley, sir Cecil Wray, Mr. Gilbert, and gen. Conway: Mr. Vaughan advised an union, as the best way to relieve Ireland. Some would have a general enquiry now, which was argued by the friends to the motion as inconsistent, because, when, a fortnight ago, a general inquiry was moved for, the same gentlemen would agree only to a special one; and now that a specific proposition was made, they wished a general one. Very little came out in the debate; the distresses of England were given as reasons why no relief could be granted to Ireland. On the other hand it was contended, that England, in pity to herself, should assist Ireland; for Ireland had been always her best customer; but of late years the exports to that kingdom had alarmingly decreased; from papers then on the table the exports to Ireland amount generally to 2,100,000*l.* per ann. but had decreased last year 595,000*l.* The revenue of Ireland had decreased in proportion; for from a paper produced by lord Beauchamp, from the collector of the port of Dublin, it appeared, that in the months of March and April 1777, there had been paid in the port of Dublin for duty 40,000*l.*; but in the year following, there had been the amazing falling off of 32,000*l.*; no more than 8,000*l.* having been received in the port of Dublin in 1778. To these considerations was added, the danger that might arise to England, if the motion should be negatived, from 20,000 men in arms, over whom the crown had no controul.

Mr. Dempster. A general enquiry, he said, is allowed to be necessary, on all hands, for the distress of Ireland is but too manifest; but if a general relief cannot be applied, let us at least apply a political

one. A noble lord says, Ireland has a broken leg; another lord says, she has a cancer; a third says, she has broke her arm; the facts are believed by all; but what relief ensues? If a little sugar is required for her, it is cruelly denied; if hemp wanted, it is taken away by England, perhaps through kindness indeed, lest unfortunate Ireland, in a fit of despair for the wretched condition she is in—should hang herself.

The House divided:

Tellers.

YEAS	{ Lord Newhaven - - }	47
	{ Lord Beauchamp - - }	
NOES	{ Sir George Yonge - - }	42
	{ Sir Adam Fergusson - - }	

So it was resolved in the affirmative.

Debate on the Right of Lord George Germain (as third Secretary of State) to sit in the House of Commons.] March 11. On the order of the day being read,

Sir Joseph Mawbey rose and said:

I have presumed to draw the attention of the House to a question of great importance to the honour and dignity of the House; a question relative to the right which the noble lord (George Germain) who is Secretary of State for the American department, claims to a seat amongst us, whilst he fills that office. From a due sense of my own inability, I have wished, ever since the illegality of his sitting here occurred to me, (now a little more than a year ago) that this question might have been brought forward by some gentleman of greater weight and ability than myself; and for that purpose I suggested those wishes to several gentlemen of this House. No such person having stood forth, I think I should ill discharge the duty I owe to that great, respectable, and independent county, which has done me the honour of sending me hither as its representative, if I neglected to agitate this question.

I am aware, Sir, that many gentlemen will suppose I am actuated by personal considerations. To such it may be proper to say, I disclaim all personal motives whatever. The noble lord, whose administration I have uniformly opposed, because I differ entirely with him on the legality as well as expediency of the American war, has never given me any personal offence; besides, I have been led by education, reflection, and conviction, to think

highly of that great, just, and necessary Revolution, at the end of the last century, which secured our civil and religious liberties. I have been led, in consequence, to entertain a veneration and respect for the noble and gallant spirits who took the lead in that Revolution. Amongst the foremost of that number, I read with pleasure the name of the earl of Dorset, a nobleman not more distinguished for the gracefulness of his manners, his love of literature and the muses, than for his steady and incorrupt patriotism. The noble lord who sits opposite to me, is the grandson of that amiable nobleman, and as such my mind has entertained a prejudice in his favour. I am very little acquainted with that noble lord, but I may be allowed to say, that, having had the honour a few times in my life of meeting him round the same table, his good humour, good sense, and complacency have been such, as in no degree to lessen that prepossession.

But it may be said, I am influenced merely by motives of opposition to administration. I wish to say a word or two upon that head: I have sat a considerable time in this House, now near 20 years, during almost the whole of which time I have been in opposition; not because of any dislike to the persons of ministers, but because I thought their measures were such, that, as an honest and independent man, I ought not to approve. There was, indeed, a short, very short administration, whose general measures I supported, because I thought it founded on the truest principles of constitutional liberty, and, if I may use the expression of a great ornament of this House at the time, now unfortunately no more, because it appeared to me to be unconnected with "the man that wanted wisdom, and held principles incompatible with freedom." The members that composed that administration seemed to me to realize their professions; they procured to be enacted propositions they had thrown out whilst in opposition; they repudiated and rejected acts they had opposed when on this side of the House. Of that administration I will only say, that every man in this House, every man in this city, every man in this kingdom, must now be convinced, that, if it had continued till this time in power, or their successors in office, and the noble lord in the blue ribbon in particular had adopted their principles, we should not now be deploing the melancholy situation of this country; a situation which has brought

distress and ruin to our merchants, manufacturers, and tradesmen; a situation which has tarnished the glory of the English name abroad, and has brought on almost national bankruptcy at home. If the members that composed that administration should come again into power, strengthened as I hope they will be by gentlemen who have in general thought alike on political subjects, unless they desert their principles, they will have my cordial, though it should be feeble, support.

When I talked of "the man that wanted wisdom, and held principles incompatible with freedom," I trust no gentleman that hears me will think I can be weak enough to believe that public spirit and integrity are the growth of any particular country, much less that they are to be found only on the particular side of any particular river. There never was a time when I did not detest such an idea; with all the zeal of youth, (and young men who are honest are apt to be zealous) I at that time condemned such an opinion; sentiments of that sort are only suited to the breasts of the lowest of the vulgar; they were never entertained by me. The Scottish nation have shewn themselves in all times friends to freedom; I may appeal to the truth of this observation to the resistance they made to the tyranny of their own kings; I may appeal to their opposition to the despotic measures of Charles the 1st; I may appeal to their conduct at the Revolution, and afterwards; if any thing has made them appear less forward in the support of general freedom in our own times, I fear it may have arisen from the indiscriminate abuse which has been thrown upon them as a nation. There are many gentlemen in this House, of that country, and many without doors, with some of whom I have the honour of being acquainted, whose abilities, integrity, and love of liberty, are exceeded by no set of men whatever. The time is come, I trust, when Englishmen, Scotchmen, Welshmen, and Irishmen, will unite and rescue the King and country from measures, which, if persisted in, must bring ruin upon both.

But it may be said, why not have taken up this question sooner? My answer is, it did not occur to me when the noble lord was admitted to this present office. Indeed, in my own opinion, this is as fit a time as any to agitate the question. If, when the noble lord was first appointed,

to give, as it was said, vigour and energy to the councils of the crown, I had then attempted to bring forward this enquiry, thinking, as I have always thought, of the injustice and inexpediency of the American war, it would have been said, I wanted, on that account, to deprive the public of his services. Indeed, it would not have been possible for me at that time to have stopped his career, when he was mounted on the great horse of "unconditional submission," and surrounded by gentlemen in this House, encouraging his progress by the offer of 13 and 14s. in the pound. The time is come when they have recovered their senses, and have found, instead of transferring their public burthens to the Americans, they are loaded with taxes, which neither they nor their posterity will see the end of.

That I do not take up this question, and other enquiries I mean to make, as a mere measure of opposition to ministers, must have appeared by the motion I made a short time ago, for a copy of the appointment of the American commissioners, with a view of shewing that they were precluded thereby from sitting in this House. That motion had a tendency to affect the seats of gentlemen for whom I entertain very great respect, and who have in general agreed with me in political conduct here. I applied to no one to second that motion, believing a gentleman who had before allowed the inference I meant to draw from it, would have done it; as it is, I shall not make it again, but shall be ready to second such a motion, if any one else will make it.

With all my veneration for the Revolution, I am obliged to confess, that the opposition it met with from a considerable party, and the pressure of the times, begat the necessity of heavy taxes, and introducing a system of funding or borrowing money on the expected produce of those taxes, which has since been carried to a height that must fill every thinking man in this country with the most fearful apprehensions. The patriots of those times, however, aware of the influence the crown would acquire by the establishment of new officers for the collecting and managing those taxes, took care to disqualify such officers from sitting or voting in this House. Hence arose the various acts of parliament establishing such disqualifications.

Before the Revolution there were but few disqualifications affecting the elected.

I know but of two acts of parliament, one in the 1st Henry 5th, confining their residence to the counties, cities, and boroughs, for which they served; the other the 23rd Henry 6, respecting knights of shires. There were, indeed, certain disqualifications, by the *lex et consuetudo parliamenti*; as that neither aliens nor minors should be elected; that the clergy could not be chosen, because they sit in convocation; persons attainted of treason or felony could not sit, because they are unfit to sit any where: the judges, my lord Coke says, cannot sit, because of their attendance in the House of Lords. In my poor opinion, there may be another, and as good a reason assigned, and that is, that it is highly improper to blend the legislative and judicial capacities together.

Here let me remark, by the way, that at a time when the judges of England are prevented by the law and custom of parliament (which is the law of the land) from sitting in the House of Commons, and the judges of Scotland are declared incapable of being elected by the 7th Geo. 2, the very great impropriety of the judges for the principality of Wales sitting in this House. I beg leave to recommend this matter to the consideration of the hon. gentleman who has moved to augment the Welsh judges' salaries, and to the notice of the gentleman who complained of the want of qualification in the commissioners of the land tax for certain counties there, hoping that they will bring in a Bill to exclude Welsh judges from a seat in this House; they shall have my assistance in that business, believing, as I do, that it is highly proper, that the venerable and chaste character of a judge should not be injured and lessened by political altercations here. I have no ill-will to the three or four gentlemen of that description at present amongst us, for whom I bear respect; but when I wish to guard this House from the improper influence of the crown, it is impossible for me not to wish its influence in this instance corrected.

The Act, Sir, of the 5th and 6th W. and M., which laid a duty on salt, beer, ale, and other liquors, expressly declared, that no person concerned in farming, managing, or collecting the said duties shall be capable of sitting in parliament. It also disqualifies the managers of all other aids that shall hereafter be granted. The 11th and 12th Wm. excluded the commissioners of excise, of appeal, comptroller, and auditor. The 12th and 13th Wm.

excluded the commissioners of the customs. It went further, and even forbids them from using any influence with voters under certain penalties. The 4th of Anne went still further, and excluded various descriptions of men, all of whom are expressly declared incapable of being elected by the 6th of Anne.

This Act of the 6th of queen Anne is entitled, "An Act for the security of her majesty's person and government, and of the succession of the crown in the Protestant line." It was become necessary to make divers alterations in relation to the Act passed in the parliament of England, in the 4th year of her reign, on account of the happy union of England and Scotland. The 25th section of this Act runs in these words, "And be it further enacted by the authority aforesaid, that no person, who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any new office or place of profit whatsoever under the crown, which, at any time since the 25th of October 1705, has been created or elected, nor any person who shall be a commissioner, or sub-commissioner of prizes, secretary or receiver of prizes, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licences, nor any governor nor deputy governor of any of the plantations, nor any commissioner of the navy employed in any of the out-ports, nor any person having any pension from the crown during pleasure, shall be capable of being elected, or of sitting or voting as a member of the House of Commons, in any parliament which shall be hereafter summoned and holden." The 17th section of the same Act runs as follows: "Provided also, and be it enacted, that in order to prevent for the future too great a number of commissioners to be appointed or constituted for the execution of any office, that no greater number of commissioners shall be made or constituted for the execution of any office, than have been employed in the execution of such respective office at some time before the first day of this parliament." The Act goes on and declares, that the election and return of all such shall be void, to all intents and purposes whatever; and if any person declared incapable, shall presume to sit or vote as a member of any future House of Commons, such person so sitting or voting,

shall forfeit 500*l.* to be recovered by such person as shall sue. There is also a clause declaring every person, disabled to be elected to sit or vote in the House of Commons of any parliament of England, shall be disabled from sitting in the House of Commons of any parliament of Great Britain; and a special clause that the commissioners for the disposal of 398,085*l.* to be given by way of equivalent to Scotland, shall not be thereby disabled. The 1st Geo. 1, s. 2, c. 56, disables any person from sitting in the House of Commons, who shall have any pension from the crown for any term or number of years, and subjects such person as shall so sit to the penalty of 20*l.* per day. The 17th Geo. 2 regulates the elections of members to serve for Scotland, and incapacitates the judges of the court of session, court of justiciary, and barons of the court of exchequer in Scotland, from being elected members of parliament.

During the administration of sir Robert Walpole, various attempts were made to restrain the influence of the crown over this branch of the legislature; place and pension Bills were frequently brought in, and two or three times actually passed the Commons, but were as often lost in the other House. On the retreat or removal of sir R. Walpole, an Act passed in 1742, 15th Geo. 2, which disabled the commissioners of revenue in Ireland, the commissioners of the navy and victualling offices, clerks in various departments, and many other descriptions of men, who, from their situation, were supposed, naturally enough, to be under influence, from sitting in parliament, and subjecting such as should, notwithstanding, presume to sit and vote, to a penalty of 20*l.* a day. In the 33d Geo. 2, an Act passed to oblige members to deliver in a schedule of their qualifications, and take and subscribe an oath of the same. These, Sir, are all the disqualifications on the persons to be elected to parliament, excepting that there are three Acts in the reign of queen Anne, and one in the reign of Geo. 2, disabling the registers, or their deputies, for the three ridings in Yorkshire, and the county of Middlesex, from sitting in parliament.

Having thus given a general account of all the Acts of Parliament on the subject of disqualification, I will now proceed to shew, that the noble lord who holds the office of secretary of state for the American department, has no right to a seat in this

House. That the office of secretary of state is of very ancient establishment in this kingdom, I am ready to allow, though they were not always considered of equal importance as now. I have endeavoured to acquire all the knowledge I could of that office; I think, therefore, I am warranted in saying, that there never was more than one secretary of state till towards the end of the reign of Henry 8. Chamberlayne says, in a very old edition, "In the reign of Henry 8, there was but one secretary of state; but towards the end of that reign it was thought fit, that weighty and important office should be discharged by two persons, both of equal authority, and both stiled principal secretaries of state, one for the southern, the other for the northern department." Two secretaries of state only were appointed at the same time in king Henry's reign. In the time of his successor, Edward 6, there were only two secretaries of state, till towards the close of his reign; a third secretary was then appointed in the person of sir John Cheek. Of this appointment, as I expect to hear much from the opposite side of the House, I will presently speak more fully. In the reign of queen Elizabeth there were but two secretaries of state; there were no more in the reign of king James. In the reign of Charles 1, there were but two, they were secretary Windebank, at one time, and Coke; and afterwards, sir Henry Vane, the elder, succeeded. At the Restoration, sir Edward Nicholas and sir William Morrice were the secretaries. On or about 1670, lord Arlington succeeded sir E. Nicholas, and sir John Trevor sir W. Morrice. There continued to be only two secretaries of state during the remainder of Charles 2's reign. There were but two in the reign of James 2. There were no more than two in that of king William, nor, I believe, in that of queen Anne; at least in that part of it which preceded the year 1705.

Having thus shewn that originally, and till the end of the reign of Henry 8, there was but one secretary of state, and afterwards but two (except in the single case of sir John Cheek, in Edw. 6th's time) I now proceed to take more particular notice of that appointment. I contend, Sir, that that precedent is not such as should have attention paid to it. It was established in a time of faction, and existed but a moment. Gentlemen know that the duke of Northumberland plotted to bring

the crown into his own family, in consequence of the marriage of his son the lord Guilford Dudley with the lady Jane Grey, who, after the king's sisters Mary and Elizabeth, was presumptive heir to the throne. He prepared himself accordingly; some of his creatures were put into old offices, for others new offices were created. Sir John Cheek had been the king's preceptor; he had, it may be reasonably presumed, in consequence, an influence over the royal mind. Mr. Secretary Cecil had besides married sir John Cheek's sister, and Cecil had at first objected to the settlement of the crown in favour of the lady Jane, though he afterwards became a witness to it; it was of the utmost importance to Northumberland's views, to gain sir John Cheek a new office, a new appointment was therefore created for him, that of third secretary of state; he had besides douceurs given him. Sir William Petre was the other secretary; a man, I may safely say, without principle; who served four crowned heads, in that capacity, as different in intellect and turn of mind as principle; namely, Henry 8, Edw. 6, queen Mary, and queen Elizabeth. Strype, in his Ecclesiastical Memorials, in 1553, says of sir John Cheek, "In the next month, viz. June, a third secretary was appointed (a thing not known before) viz. sir John Cheek, whose love and zeal for religion made him safe to the interest of lady Jane; and a gift was added to him, and his heirs, of Clare in Suffolk, with other lands, to the yearly value of one hundred pounds." That the appointment in his favour was merely the result of political arrangement, to forward the duke of Northumberland's views, I think is beyond a doubt; he was appointed in 1553; king Edward died on the 6th of July following, and on the 19th the lady Jane resigned her pretension to the crown; so that sir John could only have held that office for a month. That he was the duke of Northumberland's principal agent, I have no doubt; he fled on Mary's accession: he was brought back, imprisoned in the Tower, and stripped of his substance; to save his life he signed a declaration, professing Popery, and died in 1557, contemned, as he deserved to be, by all good men, for wanting principle. I trust the House will agree with me, that such a precedent, in such a time, for such a purpose, and for a month only, deserves not the least attention.

I am, Sir, at a loss to guess upon what

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ground the noble lord's right to a seat in this House will be defended. I contend that it is a new office, new in fact, though not in name. The noble lord seems cautiously to have avoided any new description, and therefore, in the grant on the table, it is called the office of one of his Majesty's principal secretaries of state; but the truth is, his lordship is secretary of state for the colonies only. Look into the Red Book, there you will find the officers of the different departments; those for the southern and northern departments, and, under the head of secretary of state for the colonies, the name of the noble lord; his office is confined to the correspondence with the colonies and America only; enquire of your generals, enquire of your admirals, some of whom are now in the House, they will tell you, that their orders came through the office of the noble lord, and I have been informed, I believe from pretty good authority, that his lordship, as secretary of state for the colonies, disposes, in that capacity, of all employments there; they have given in the grant an old name to a new office, with a manifest intention of avoiding detection, and the Act of queen Anne. I trust such an evasion will not suffice.

But, Sir, if gentlemen should still entertain doubts, whether it be or not a new office, they must allow at least that it is an extension of an old one; and, as such, the noble lord is rendered incapable of being elected, and of sitting and voting in this House. The 27th section of the 6th of Anne, which I have just read to you, applies expressly to this very case; it declares, in order to prevent too great a number of commissioners from being appointed for the execution of any office, that no greater number of commissioners shall be appointed for the execution of any office than have been employed in the execution of such respective office before the first day of that parliament. It is incumbent, therefore, on the noble lord, or his friends, to prove, that before that parliament, there existed more than two secretaries of state, which I contend never was the case, except during a single month of Edward 6th's time; a precedent which, from what I have said of it, I trust will not have any weight.

The office of secretary of state for the colonies was first established in 1768, in favour of the earl of Hillsborough; he was succeeded in 1772 by lord Dartmouth; in 1775 the noble lord over the way took

that office. I have been informed, that a very respectable gentleman, now dead, who was afterwards chancellor of the exchequer, I mean Mr. Charles Townshend, had once a strong desire for this office; but, on enquiry, he believed it would disable him from a seat in this House, and he therefore dropped such intention. It has been reported, that a very hon. and able gentleman, since also dead, once agitated this question, with a view, like mine, to shew, that the office disqualified from a seat in this House. I had great personal respect for that hon. gentleman (Mr. Grenville), whatever I might think of him as a minister; he has left this country a legacy, which alone will transmit his name to posterity with honour; I mean the Act for trying controverted elections, and I have forgot his errors. If that hon. gentleman ever did agitate such a question, I am sure it was not in this House. In his time the office was filled by a peer of parliament, and could not have been the object of parliamentary disqualification. He must have gone alone on the power of the crown to establish such an office, a question entirely different from mine.

Perhaps it will be said, that the House, in issuing the writ for a new election, and by receiving the noble lord again, after the acceptance of his present office, has decided the question in his favour. In the courts below I have always understood, a precedent, adduced from a transaction passing *sub silentio*, without argument, without a hearing, has no weight. No man will contend, that a transaction, hastily and inadvertently taken, when the question of law was not thought of, can give a right to a seat in this House, against an express act of parliament. Such an idea is as new, as it is ill-founded.

On the whole, Sir, I trust I have shewn that the noble lord sits in this House, against the letter and spirit of an act of parliament, which ought to be strictly enforced in times like the present, when private distress, and public difficulties, present themselves too forcibly. Let us not forfeit the good opinion of our constituents, by tolerating the violation of an Act, intended to preserve this House from corruption and undue influence. They will grumble the more at the heavy burthens this ruinous and wicked war has brought upon them, when they think the members of this House share in the spoils, and fatten by the votes they give in support of it. I

now move you, Sir, "That the right hon. lord George Germain, having, since the commencement of this present parliament, been appointed to, and still holding, the office of one of his Majesty's principal secretaries of state, in addition to the two ancient offices for the southern and northern department, was and is disqualified from sitting and voting in this House, by an Act made in the 6th of queen Anne, entitled, 'An Act for the security of her Majesty's person and government, and of the succession of the crown in the Protestant line.'"

Mr. Temple Luttrell stood up to second the motion, with an earnest desire to express his sense of the essential service the hon. member rendered the public, by endeavouring to enforce, at this day, the Act of the 6th of queen Anne. He was present in the House when the worthy baronet first apprized the ministers of his intention, and confessed it appeared to him that sir Joseph had then entered on the outline of his arguments with great clearness and judgment. The motion now agitated particularly applies to a noble lord facing me, and I think he is properly brought forward, because we were candidly told by the other noble lord, who courted him to an acceptance of this office, that the secretaryship of state for the colonies would certainly not come within the list of places created since 1705; it is therefore understood by the noble lord with the blue ribbon, to be an office of ancient institution, before our American plantations had an existence; for, since the days of the first British settlers, in that quarter of the globe, till 1705, there never have been three secretaries of state for the kingdom of England, and its dependencies.

To demonstrate therefore, that this commission is within the true construction of the Act of queen Anne, I should think totally needless; and that I need only stand up to second the motion literally, without further trouble to the House, had not recent experience within these walls convinced me, that there are gentlemen on the other side of the floor, of a very learned and respectable profession, whose superior faculties of mind I greatly admire, but who, with the most specious refinement and dexterity, can make every thing here carry with it the semblance of law and reason, or the contrary, just as may best correspond with their political purposes. A commander in chief of your

fleet declares before this House, (the grand inquest of the nation) that he was prevented from renewing the battle with the enemy, because an inferior officer under his command did not obey his signal so to do, which was flying several hours. The inferior officer expressly allows the fact, yet, say some of the long-robed orators to the right of your chair, the fact is not known to the House, so as to establish thereon an application to the crown for an enquiry. The judgment of the court martial, now on your table, which competently decides, without appeal, upon the charges brought before them, pronounce those charges to be malicious and ill-founded; yet, say the same learned gentlemen, we cannot possibly proceed upon that adjudication, nor admit there was any malice in the case, in consequence of which to address the executive power on behalf of the people we represent, and remove a public servant, obnoxious to the whole kingdom and dangerous to the state. However, these very courteous advocates can themselves proceed, in a most summary way to rejudge the judges, and their sentence; and without hearing the one, or pretending to understand the evidence which induced the other, condemn both. I say therefore, that, if a new world was found out for us, by the two ships now adventuring under commodore Cook, and another court calendar made up of the places, containing as many departments as there are members of this House, I doubt not but some crown lawyer would hold it his duty to plead, that these offices were of ancient standing, some time since the creation of the globe, previously to the year 1705, and therefore excepted in the clause of the Act of queen Anne, which limits the general exclusion of placemen. I shall observe that the occasion and subject of the Act are, in my opinion, perfectly evident. Through the exorbitant revenues, and increasing power of the crown, corruption had made very alarming strides amidst these benches, and caused just apprehensions for the liberties of the subject, and maintenance of our free constitution. But the more immediate motive for the Act I take to be this. The Whig administration of that era testified, on many occasions, a suspicion (and the latter years of her majesty's reign proved it not altogether groundless) lest queen Anne should, before the close of her political career, wish to restore the unhappy family of Stuart, to which she was so near

in blood, rather than elevate to the throne her remote relation of the House of Brunswick. The summer preceding the Act of 1707, the princess Sophia of Hanover had been naturalized, when the son of James 2 immediately made his appearance on the opposite coasts, and meditated an invasion. The introduction of a Jacobite ministry might give birth to new offices, and new emoluments, the temptations of which, should secure a clear majority in either House of Parliament to favour the restoration of the Stuarts, against the Hanover succession. The Act is entitled, "An Act for the security of her Majesty's person and government, and the succession of the crown in the Protestant line." It was a primary object of the Act in question, to confine the patronage and influence of the crown within the bounds it then had. And the clear interpretation of the Act is, "The members of the Houses of Parliament have already a sufficient share of loaves and fishes, and they shall possess no more." Now comes the question; whether the office of a third secretary of state, in addition to the two former secretaries, add to the number of placemen; and whether there is a new accession of court-patronage? Will any gentleman contend, that there is not new honour, new authority, new emolument, and new protection? Look at the new appointed salaries of the secretaries, clerks, &c. and consider that the noble lord has, by virtue of this office, become chief minister for the civil war, on the other side the Atlantic. As a commissioner for trade and plantations, he could certainly not have exercised the same power officially. But will it be maintained, that the noble lord is still one of the commissioners for the board of plantations, merely under another denomination? I have the noble lord's own word in this House, that he is no more a lord of trade than the archbishop of Canterbury, who "nominally" (says the noble lord) "stands in the commission as well as myself." His grace of Lambeth is not named in the commission. I presume he meant the bishop of London; and if that prelate should be appointed to the noble lord's office, I imagine it could not but be considered as a new and distinct post. However, if the noble lord can shew that he is still at the head of the board of trade, I shall not be sorry for it; because I shall then know to whom I should apply, upon those commercial concerns which must ere long call for the se-

rious attention of parliament; and for which, it seems, no one member of administration holds himself peculiarly responsible. Let us now consider the office of secretary of state; and much to the purpose may be learnt from lord Clarendon. He states the two secretaries of state in his time to be essentially different as to character, dignity, and duties of office, from what they were in earlier days, before the reign of queen Elizabeth; so that the case cited by the member who made the motion, from the memoirs of sir John Cheek, cannot possibly apply. The statute of precedency shews, that there was but one principal secretary to the king, at the end of Henry the eighth's reign. At whose accession, Fox, bishop of Winchester, and lord privy seal, had been appointed to that high and important post; and a very ingenious author in that age says, that the accession of wealth which came to the king, on the decease of his father, as well as foreign correspondencies, and many literary controversies about religion, made it a useful and necessary office. Before the appointment of this ecclesiastic, there was no officer of rank about the court in a similar station. There were secretaries indeed, and clerks to the several boards of state, particularly to the king's council. I say, therefore, again, that, if we are told from over the way that in the reign of Edward the 6th, there were three or four secretaries of state, I deny the fact; or that a single precedent in point can be produced before 1705, when the operation of the Act commences; but even suppose that, at some obsolete period, for a special purpose, or from neglect to call in the old commission, directly upon issuing the new one, there might have been three officers somewhat consonant to our modern secretaries of state, I am confident that plea would never be brought forward, were the great oracle for the law, of the opposite form, here in his place (the Attorney General); for, if I much mistake not, I have heard him positively say, that even acts of parliament may have a prescriptive disusage, by which they are virtually cancelled. At the accession of Henry 7, that king for a certain space of time, put the office of lord high steward of England into commission, and appointed nine persons, many of whom were commoners, to execute its service, and enjoy the fees: now, if the ministers of these days were to advise their sovereign to do the same, and we had nine commissioners among us

for the office of lord high steward, could any member of parliament conscientiously or consistently with his duty to the public, vote that such commissioners were meant to be excepted out of the Act of queen Anne, as holding appointments of ancient and established existence? If such evasions and quibbles hold good, how can the Act possibly take the effect intended, which was to stop the further influence of the crown, and by new offices or emoluments out of the public purse, seduce the delegates of the people from their integrity and independence? I understand the noble lord is soon to be called up to the House of Lords; therefore, the part I now take cannot be deemed a personal attack upon him; if we vote him out of our company, it may probably expedite his patent of peerage. Surely, Sir, the numerous majority of Monday last on the side of government, respecting the good management of the navy, and the vote of the preceding week, which declared it judicious and necessary to send 20 sail of the line to a station off Brest, when there were from 27 to 32 of the line at that port, and not another man of war at home equipped for battle; no body of troops in readiness to defend us from invasion; I say these majorities prove that there are persons enough among us, subservient to the nod of a minister, and court places enough for every good end, without infringing the statute of 1707. Let us draw the line where the positive law of the land has drawn it, and not wrest the letter of the law to an interpretation diametrically the reverse from its legislative spirit. The hon. member's motion must then succeed. It is not that I affect a disesteem for placemen in general; to serve our country in a post of trust and industry, I hold to be highly honourable; but I would have the labourer worthy of his hire; attached to government so long as he can remain attached consistently with his obligation to his fellow citizens of the community at large; but, I by no means approve of those offices which increase in value, just in proportion to the accumulating distresses of our constituents and weight of taxes. Many holders of such offices are now in my eye; when the interests of the executive power are at variance with the legislature (as is too visibly the case at present) a reform of ministers must ere long correct the evil, and those only can be called honest or loyal who endeavour to reconcile the will of the king their master

with the wishes of his subjects. It indeed becomes us to be doubly vigilant at this crisis over the rights of those who sent us hither, because we know, and daily feel, the inordinate influence of bad men. But I foresee, looking round me, that we shall have but a small number go forth in behalf of the motion. Were I alone on this question, till I hear more cogent arguments in its favour, than I am yet aware of, I would on no account yield up the point without a division. There are many gentlemen of great abilities, with whom I usually have the satisfaction to agree in opinion, who are absent on this day; and I wish the conduct of those present, in saving so valuable an office as the third secretaryship, may not have a tendency to sanction a very bitter remark, I have often heard without doors, upon the outs as well as the ins; which is, that both parties agree in making the public spoil as large as possible. The stake of places and salaries they both hold sacred, and on no account to be diminished, though they wrangle and fight about the sharing of it; if, however, such idea should be impressed from the early part of this day's business, I shall still hope, that the zeal of the opposition, upon the Contractors' Bill, which is to come on next, will preserve their character for disinterestedness and sincerity.

Lord George Germain said, after the handsome manner in which the hon. gentleman had introduced the motion, he should not take up much time of the House. When the post was offered to him, he took the best advice, and was informed, it did not disqualify him from holding a seat in that House; if he had so considered it, he never would have accepted it. It was no new office; his seat had been vacated, and he had been re-chosen without any objection; he was secretary of state at large, and not connected with the Board of Trade, though he sometimes attended as first lord. However, the House was at liberty to decide upon it now; and let their decision be what it might, he would acquiesce with the most perfect resignation. Having said this, he withdrew into the Speaker's room, that he might not give a vote in his own cause.

Mr. De Grey (under secretary of state in lord George's office) said, if the appointment was not new, the noble lord was then eligible to a seat in the House of Commons; he had many precedents since queen Anne's time, to shew there had

been six different appointments, of three and once four secretaries of state. He had also the account of the appointment of a third secretary in the time of Edward 6th, as mentioned by the hon. mover, of which he would say nothing. In the year 1708-9 (a time, he confessed, since the Act of the 6th of queen Anne) more business arising, the queen declared in council, that she thought it fit to create a third secretary of state. The patent was the same as the noble lord's; it was given to a peer. There was an instance where there were four secretaries of state, one of whom was a commoner, that was in 1723; there were the duke of Roxburgh and two others; one of whom going with the king to Hanover, sir Robert Walpole was appointed fourth secretary of state. A new writ issued on the 4th of May 1723, he was re-elected, and his seat was never questioned. In 1730, it was not given in as a new place, when the account of such was called for. Lord George had been re-elected, and no objections taken: there had been therefore two determinations of the House; besides, the office of paymaster of the forces had been divided, and no objection taken; other offices had also been divided, and, if not permitted to be occupied by a commoner, it would be transferred to the House of Peers. The late Mr. Grenville had enquired, and had given up his objections; besides, it could not be new. Lord George sometimes, in the absence of other secretaries, had introduced ambassadors. He then moved, to leave out the words of the motion, "in addition to the two ancient offices of the southern and northern departments."

Mr. Pulteney said, he was not in the House when the hon. gentleman opened his motion; but he thought no stress should be laid on any enquiries of Mr. Grenville, for it was impossible he should think of any question like the present. Lord Hillsborough who was first appointed secretary of state for the colonies, held the office when Mr. Grenville died; and therefore, if he enquired at all, it must have been only into the power the king had of establishing such an officer; in which he was of opinion, the king's right to make such an appointment was clear. But the question now is, whether a man, holding that office, can sit in this House? I think he cannot; because, though it is not a new office, yet it falls, in my opinion, under the clause which prevents any increase of old departments. A blot is no

blot till it is hit: the cases the hon. gentleman has brought, of there being three and four secretaries of state at the same time, are, by his own confession, cases since the 6th of queen Anne, and consequently do not apply.

Sir Adam Fergusson was of the same opinion; but confessed, that between the dissolution of the two last parliaments of England and Scotland, and the meeting of the first parliament of Great Britain, there had been four secretaries of state, two for England and two for Scotland.

Sir George Yonge was satisfied, that the office was anterior to the act of queen Anne, but had his doubts whether an additional secretary was not such an increase of commissioners as the law pronounced to be a disqualification.

Sir Richard Sutton saw no room for doubt in that circumstance, for secretaries of state were not commissioners, but could act from themselves and independent of each other.

Lord North pursued the argument, and said, that as a commissioner of the treasury he was obliged to act in conjunction with others; and a majority, or a quorum, was necessary to make an act of the treasury. The secretaries, on the contrary, were quite independent of each other, and could act separately: so that they had not the least feature of commissioners.

Sir Joseph Mawbey then said, that before he came that day into the House, he believed there must have been discovered some precedents which had escaped him, from the confident manner in which his motion had been reported to be ill-founded; his astonishment was now great, on finding that the arguments against it were such as only justified one act of illegality by another; because since the 6th of Anne, sir Robert Walpole had sat illegally, therefore the noble lord was so to sit. The House had not determined that either had a right to their seats; the objections had never occurred. With respect to the office of pay-master, he contended it was illegally split, if both the possessors had seats in that House; it was illegal that a third vice-treasurer of Ireland should sit in the House of Commons. The hon. gentleman below him, the Pay-master of the forces, had a right to lie alone in that department, and if he should be quartered on him, he would move he should have a bed to himself. Let us keep this House chaste, and corruption in the other House cannot do much harm. The motion for leaving out the

words was improper, because the words in the motion recited the real fact; however, he had discharged his own mind: he still thought his motion proper, and would, if he stood alone, divide the House.

The division then took place, when there appeared only one person, besides the two tellers, sir Joseph Mawbey, and Mr. Temple Luttrell, for the motion, to 245 against it; that person was Mr. James Luttrell.

Motions respecting the State of Ireland.]

March 12. Mr. Pownall moved for an account of the British imports from the West India islands for three years last past.

Mr. T. Townshend begged the hon. member would withdraw his motion, as it would if acceded to, only be amusing the public with the expectation of something, when nothing in reality was to be expected. But every thing now was lost in the influence of the minister. When the motion was agitated the other day for the relief of Ireland, the noble lord thought fit to withdraw, but on another occasion (Mr. Fox's motion) the noble lord had sent his messengers into every part of the country for members to haste to town, and attend their duty in parliament. He therefore hoped, that nothing farther would be attempted. It was only adding insult to the injuries of the people to pretend to do them any service, circumstanced as things were at present. Ireland had been too long amused, and it was cruel to buoy her up any longer with hopes of relief, when the most reasonable proposition that could be made for that purpose had been slighted. Upon the whole, the hon. member thought it his duty to bid administration be aware of Ireland, for that there wanted but little more to drive her to desperation, and to those fatal expedients for self-preservation that America had been compelled to resort to.

Lord North rose to express his surprise, that the hon. member on every occasion made it a point to honour him with personal attacks. When he had through accident absented himself from the House when the Irish business was under consideration, he was accused of neglecting his duty, and of having sneaked away from the question, though his sentiments thereon were extremely well known. On the other hand, because he had been present at a popular motion, he was made the subject of blame and reproach for having influenced

the House. With respect to Ireland, it was well known that he had been against relieving her distresses in the manner lately proposed. But was he an enemy to that country? Very far from it. He had frequently evinced his affections for her. Places in that kingdom, usually held by Englishmen, he had given to the natives. The pension list he had never thought of increasing, however strong the inducement; nor had he been inattentive the last session to her commercial interest. But as to serving her in the way that was suggested the other day, he always had, and always should be strongly against it. Yet no one was more desirous than he was of doing something for her, and indeed it was his intention to put his design into execution by offering a plan infinitely more to her advantage, than allowing her to import her sugars immediately from the West India islands, which could do Ireland no real good, while it would prove greatly disgusting to England.

Mr. Pownall upon this withdrew his motion.

Mr. Burke, with much warmth, declared he never thought the noble lord negligent in his parliamentary duty. The great lord Chatham, than whom no minister was ever more vigilant in his office, never had attended parliament as he had done. Nor had any minister before acquired so great an influence. But had that influence been employed to any good purpose? If it had, it was an influence every one would wish to see encouraged, but it was procured and established for the sole purpose of subverting the freedom of that House, and the rights and interests of the people. The noble lord had talked much of personal invectives. What personal abuse had there been? Had he concerned himself with him any further than as to his public conduct? That was the only point he had touched upon. As to the noble lord's pretended affection for Ireland, how bad he shewn it? There were places, indeed, on the Irish establishment formerly given to Englishmen that were now given to Irishmen, but why were not the pensions themselves taken away? What right, too, had the noble lord, in the name of common sense, to pretend to any care of Ireland? Were there not at this very time 11,000 land-forces actually under arms in Ireland without any kind of subordination upon government, or any member thereof? Was this a fact or not? If it was a fact (and if it was not he desired he might be

contradicted) how had the noble lord shewn a regard for Ireland, when she was so miserably supported by the state, as to be obliged to submit to have a body of 11,000 men in arms, neither in the pay or controul of that minister, who had boasted, with such effrontery, of the vast care he had taken of her? These were circumstances that called, indeed, upon the spirited interference of the House. Not that he blamed those soldiers. Both the officers and the men he was sure deserved every compliment that could be paid them. But was it possible for that House to sit tamely under such a fact? For his part, he was determined not to sit down before he had sifted the matter to the bottom. With respect to the influence of the noble lord, if it produced any thing at all, it was one eternal scene of anarchy and confusion. But what, alas! was that compared with the anarchy that the noble lord had raised throughout the whole continent of America? Even with the ministry themselves, what but anarchy and confusion was to be seen amongst them? To give the House a recent instance: the noble lord at the side of the noble lord in the blue ribbon (lord Beauchamp) had taken a principal part, if not the lead in the Irish business, but though both the noble lords were in administration, and sat together at the same board, yet was the noble lord opposed by the minister in his laudable endeavours in the cause of Ireland.

The *Speaker* now rose to inform the hon. member, that he could not suffer him to proceed unless he had some motion to offer to the House.

Mr. *Burke* thereupon proposed, "That an inquiry be made into the fact of there being 11,000 men now under arms in Ireland unknown to government."

Lord North did not rise again, and the motion was withdrawn.

State of Public Credit—And Terms of the Loan.] The order of the day being read for bringing up the report from the Committee of Ways and Means on the Tax Bills,

Mr. *Hussey* objected to its being brought up. The proposition for the loan, of which the noble lord had accepted, he stated, by calculations, to be about one million of money more to the public, than the bargain he had rejected. The bargain he had rejected, however, was an annuity of 5 per cent, for ten years, and 1 per cent, by way of tontine, with benefit

of survivorship: this he calculated to be about a million better for the public than the other. He also stated a mode of raising the loan preferable to either of the two propositions, by which he thought the debt would be annihilated in 29 years: this was by offering the 3 per cents to market; the seven millions would have required somewhat above eleven millions of that fund, which would have required an interest of 350,000*l.* Now, the interest on the present loan, to be raised by the taxes of this year, was 470,000*l.*; there would be a surplus of 120,000*l.* flowing in from the taxes, which, applied to the purchase of the 3 per cents, would buy in the principal of seven millions in 29 years.

Mr. *Jackson* said, that the interest of money in Great Britain now stood at 6 per cent.

Mr. *Fox* agreed with him, and proved, by calculations, that the public had borrowed the seven millions at 6 per cent. for ever.

Mr. *David Hartley*. Sir, so many sound and unanswerable arguments have been offered by the gentlemen on this side of the House, upon the general state of Public Credit, and more especially upon the terms of the present year's Loan, that I can have but little to add upon that head. The noble lord at the head of the Treasury is reduced to this dilemma, either to confess that the terms of the loan are exorbitant and unjustifiable, or, if he contends that the present extortionous rate of interest, which he allows to the subscribers, is become, under his management of public affairs, the national rate of interest for money, he gives, by that confession, a fatal blow to public credit, and thereby declares that the national resources are at the last gasp. It is within a few years, I might say within a few months, that the state of public credit was sufficient to support parliamentary loans for the public use at 3½ per cent. The loan of this present year is at the rate of between 6 and 7 per cent. The extravagant difference of the national rate of interest at periods respectively so near to each other, forms a financial paradox, totally novel and inexplicable, according to any of the principles upon which it has been defended by the noble lord. The incongruity, however, is apparent upon the consideration of the manner of making this loan, and of the constituent parts of it. If the noble lord commits himself to the mercy of money-lenders, without any financial exertions, or prudential provi-

sions, on his own part, for the defence of public credit which is committed to his care, what can be expected but that money-jobbers should impose their own unrestrained terms upon him? Can it be believed, that the national rate of interest should rise in a few months from $3\frac{1}{2}$ to 5 per cent.? This is impossible; nor do we find that money upon private securities has risen in any such enormous proportion; but the noble lord suffers himself to be imposed upon, and dictated to by the money-jobbers, who have no view but to procure a premium to the loan of the year, without any consideration of the rate of interest upon the loan itself. Whether that rate of interest be 4, 5, or 6 per cent. it is equal to them if they can but get an exorbitant premium, for transmitting the bargain through their hands. When any one bargain is offered, the premium hangs over the bargain itself, while negotiating, and brings down the stocks to a lower level; then the bargain takes a new position, or starting place from that reduced level, and still the noble lord is bound to produce an exorbitant superadded premium, to a bargain already blown upon, and depreciated under the imbecility of his negotiation; thus adding extortion to premium, and premium to extortion, at the mercy of merciless Jews and money-jobbers.

If the noble lord would but exert the faculties, which his situation supplies him with, to do justice to the public in driving their bargains, he might, upon the funds mortgaged for this single year, have raised some millions more to the public supply, as the subscription money for that annuity, which he has mortgaged to the public creditors in the loan of this year. He has loaded the public this year with an annuity of 472,000*l.* which, if he had had the wisdom to have protected public credit, instead of leaving it adrift at the mercy of the money-lenders, might have produced more than 9 millions to the public supply, instead of only 7 actually raised. This saving might have been made, even allowing a rise of the public interest of money from $3\frac{1}{2}$ to $4\frac{1}{2}$ per cent. for the loan of the present year, which it needed not to have exceeded, under wise and prudent conduct. Above 2 millions might thus have been produced to the public, either for their current expences, or in diminution of the present enormous outstanding debt, if ministers would have exerted their vigorous powers in due time for the support of pub-

lic credit. This allowance of $4\frac{1}{2}$ per cent. as the national rate of interest for this year's loan, is adequate to any supposable necessary rise of interest in the case, if ministers had given their attention to the support of public credit. But even at 5 per cent. the annuity with which the public is charged this year might have produced 8,400,000*l.* instead of only 7 millions now bargained for. So much for the waste and neglect of the public resources for the present year 1779.

The same thing likewise happened in 1778. Six millions only were borrowed upon the fund of that year, which, according to any reasonable rate of interest for that year, if ministers would have exerted themselves strenuously for the support of public credit, would have produced to the supplies of that year above 7 millions. The occasion of the waste of the public supplies was the same in both these cases. In the first place, the total neglect of supporting public credit on the part of ministers; and secondly, the ill-judged construction of the terms of the loans themselves. The public granted the short annuities, as they are called, viz. those for the periods of 30 and 29 years, at the rate of 12 years purchase in 1778, and in the present year at $11\frac{1}{2}$ years purchase, although they were intrinsically worth 4 or 5 years purchase more. This was so much more waste, without any possible excuse. These bargains were not even to the gain of the money-jobbers themselves, as it was not in their power to sell them out in detail in any degree, according to their intrinsic value, from their novelty, and from the general ignorance abroad of their real value. This was throwing away bargains of great intrinsic value, at the expence of the public, upon ignorant purchasers, who from that ignorance of the real intrinsic value, could not be prevailed upon to give you any greater purchase-money for such bargains than they would under twenty other shapes have given for a bargain less expensive and onerous to the public by 20 or 30 per cent. This is a specimen of the manner in which the public concerns of this kingdom are conducted.

But, Sir, the noble lord talks much of his resources, and indeed they had need to be large, if they are to be thus lavishly squandered away. With any common degree of forecast and arrangement of measures, the noble lord might have saved a perpetual rent-charge upon this country of 150,000*l.* a year, for ever, upon the loan

of this year, and another perpetual charge might have been saved the last year, of half as much more. These savings only (to speak of no others) might have been sufficient to have provided for several millions more, which are now hanging upon the public as outstanding debts. The amount of all the mortgaged funds and taxes, which the noble lord has imposed upon this country for the support of a cursed American war, in four years, including the present year, is not less than 1,100,000*l.* per annum, and there still remains between 15 and 20 millions of outstanding debt to provide for.

Navy debt - - - - -	£5,200,000
Exchequer bills - - - - -	2,000,000
Vote of credit - - - - -	1,000,000
Negotiable paper proposed for this year - - - - -	1,300,000
Arrear of the Sinking Fund, and charges anticipated upon it, for the loan of this year, and the deficiencies of the two last - - - - -	1,500,000
Besides all these, the general arrears of war cannot be estimated at less than 10,000,000 <i>l.</i> or nearly, especially as a Spanish war seems not very distant - - - - -	10,000,000

Total - - £21,000,000

As the last article in this account may possibly be thought questionable, I make a great deduction, when I state the outstanding debt as between 15 and 20 millions, suppose 18 millions at a medium. In this calculation, I go by the experience of the last war, since which time the scale of public expence and extravagance is unmeasurably enlarged.

I have so often stated to this House the expences of the American war from time to time, that it is needless to repeat them in detail. I will therefore, only state in short, that if they were last year between 30 and 40 millions, as I then explained them to be, they cannot now be overstated at the full sum of 40 millions and upwards. But is this the whole of the account of the expence and loss imputable to this accursed war? No, Sir, by no means. That account, when laid before you, will strike you with terror. What think you, Sir, of a destruction and annihilation of another 40 millions of capital, to the single share of the proprietors in the national funds? The public stocks have been re-

duced from 88 to 60 per cent. a fall of near 30 per cent. upon the whole capital of the national funds, which, upon a total of near 150 millions, is not less than 40 millions annihilated. So much for the lot of taxation distinctly and separately imposed upon the creditors in the public funds, over and above their respective share of general taxes upon articles of necessity and of daily consumption. Let us next go to the landholder, and make an estimate of his separate lot of taxation, over and above his proportion in the common burthens annually imposed. Is no part of his riches and property annihilated and destroyed? Here, Sir, is the heaviest blow of all to the foundation of national riches. What is, or rather I should say, what was, a very few years ago, the national rental of lands? I think I should not be justified to state this rental at less than 30 millions a year. What is the defalcation upon the capital value of this rental. Those who are concerned in landed property, will tell you that it is not less than five years purchase, viz. from 30 and upwards, to 25 years purchase. From this deduction of plain and well-known facts, set down a loss of property to the landholders of Great Britain of 150 millions, or perhaps still more; for in the present gloom of public affairs, lands are still falling in years purchase from day to day. Add to all this, what is now actually upon the heels of the landed man, viz. the decline of the very rent of the land itself, and you will double that loss to him. You will scarcely leave to him one half of his property. Let ministers put these things together, and then take a view of their handy work in this fatal American war, in one total.

Expences of the American war, as by parliamentary supplies and public documents, more than - - -	£. 40,000,000
Destruction of capital to the proprietors of the public funds - - - - -	40,000,000
Diminution of the value of the rents of Great Britain	150,000,000
Total - - -	<u>230,000,000</u>

If this should be thought to be a speculative account, my answer is, double this account, and, I fear, you would be nearer to the truth.

But the noble lord at the head of the

Treasury still boasts of his resources. I confess to you Sir, I do not see from whence he will draw them, whilst he continues so obstinately driving this country to ruin. If you were to ask me where I would recommend you for resources, my answer would be very short and explicit, and far from desponding. Change your public measures, and the tide of your own inherent resources would flow back again upon you up to the lips. Peace restored with cordiality and confidence to America, would fill our cup of plenty to the very brim. Your lands would once more recover their rent and value. Stock-holders would recover and realize their now diminished capitals. The riches of national industry, by manufactures and commerce, would acquire permanence and stability; and all the public resources, for great and necessary national exertions, would ride in the deep and unfathomed bosom of plenty, riches, and power.

When will ministers relent? When will their obstinacy abate? Will no consideration either of the safety of their country, or even of personal security to themselves, induce them to adopt wise counsels? Look to the state of foreign powers. Have we an ally in Europe? or rather is not every power in Europe conspiring our downfall? We have been amused from time to time with ministerial declarations, in king's speeches, and in parliamentary debates, &c. first, that France would never support the Americans in their resistance to this country, and that nothing could ever prevail upon that court to acknowledge the independence of America. This was our language and expectation last year; but France, as we all know, has long ago taken the most decisive part against us. Holland is at this moment adverse to us in her conduct, and hostile in her memorials and declarations; and, what is still a plainer language, in her military preparations, for maintaining, what they express in gentle terms, neutrality; but which means neither more nor less than this: I will trade where I please, touch me if you dare. Sweden is connected with France; and Russia is at best a doubtful friend to us. But it is Spain which holds the balance of peace and war in her hands. There is the rub in the way between ministers and the object of their resentful pursuit, the subjugation and dominion of America. Spain is the thorn in their side: I tell it them again, Spain is the thorn in their side.

Spain is under arms, and ministers have long known it. I have now in my hands the state of the Spanish fleet and armaments for a year and a half past. It is above a year since they have begun publicly to arm in the face of Europe. We all know these things very well. If I were required to give proofs of what I say, I can bring proof to your bar, from those who have been on board of the Spanish armaments. Such armaments amount to a positive declaration of war on the part of Spain, only reserving to themselves the precise period when and where to strike the first blow. Let not ministers deceive this House or their country: let them speak out what we are to expect. I apply to the country gentlemen not to suffer themselves to be amused any longer. No man is unapprised of the present critical state of our national concerns. No man is ignorant of the family compact, as well as of the ambition of the House of Bourbon. If any man can doubt of the armaments of Spain, I offer the positive proofs. But no one does doubt of them. Yet ministers would prevail with us to acquiesce under the shallow pretexts, that 40 sail of the line of Spanish ships, ready for sea, are only intended to preserve a neutrality. They would have us to believe these idle tales, and to go blindfold on; but they dare not publicly assert them. I will put that to the test. Let the minister stand up in his place in parliament, and declare boldly like a man, Spain shall not have Gibraltar: let him say, Spain shall not have Jamaica: let him give pledges positive (if he has any to give) that they shall not support the hostilities of France: let him give the proofs, and then this country may know what they have to depend upon. But if he shelters himself in a fallacious silence; if he refuses such pledges and such proofs, then I apply this uncontrovertible inference to the mistaken and misled supporters of the American war; Spain is between you and America.

Sir, you are so well apprized of my dispositions and views upon the subject of this fatal American war, that you will not wonder at my being so earnest to point out to you all the dangers of our situation both at home and abroad, if ministers are suffered to persist in it. Is there a man so extravagant as to think it practicable for this country to succeed in the subjugation of America, with the House of Bourbon in actual hostility against us, and

every other power in Europe, secretly wishing and conspiring to supplant us? But you may say, how shall we make peace, and upon what foundation? The foundation is plain and obvious. Lay your foundation in a total change of all your public conduct and measures. Withdraw your hostile armaments from America, and open a rational and explicit treaty upon grounds of sincerity and confidence; declare by public and national authority whatever terms the wisdom and prudence of parliament may think proper to propose, but let them be fixed and certain, and not liable to a subsequent refusal by the ministers of the war.

It has been said, what larger offers can we make than those which were refused last year? I say, Sir, that no offers from this country were refused by America last year. Your commissioners were not empowered by the Acts of the last year to make any explicit offers whatsoever. An insidious right of refusal to any terms which might have been concerted by negotiation, was what the British ministry, who are the only enemies which America has in this country, had reserved to themselves. The offer made by the commissioners to America was neither more nor less than this: Lay down your arms in your several provinces; break your faith with those allies to whom you have been fatally driven in self-defence, by the relentless persecution of a British ministry; and when thus disarmed at home, and unprotected from abroad, commit yourselves unconditionally to the mercy of those very ministers who have ever shewn themselves your bitterest enemies.

Sir, I shall not now add any more upon any specific terms of negotiation for peace; I shall content myself with preparing the ground, by suggesting those considerations of prudence and justice which ought to lead this country to peace. I shall take it for granted, that this session will not break up without some distinct specific parliamentary grounds of negotiation for peace between this country and America. I shall think ministers criminal in the highest degree if they omit it. But in any case the session shall not pass without some propositions on that subject being offered to your consideration, even if I should be reduced to the necessity of offering the simple thoughts of a private individual. If I should be reduced to that necessity, I should do it with the greatest deference. I offer the precedence to gentlemen of

greater abilities than myself, but for sincerity and good will I give place to none.

The first Resolution being then read, That 5 per cent. be laid on the produce of the excise; an objection was made to this new excise on malt, as the malt-tax was an annual fund, therefore it was thought it could not be given as an appropriation to pay the interest of perpetual annuities. It was agreed to recommit it. The other Resolutions passed without opposition.

Roman Catholics of Scotland.] March 15. The Lord Advocate for Scotland having taken his seat for the first time this session,

Mr. Wilkes said: I am glad to see in his place the first law officer for the crown of Scotland. I have a real respect for his very superior abilities, and am always charmed with his manly eloquence. I waited with impatience for his arrival to call upon him to make good his promise last year to the House, to bring in a Bill this session for the relief of the Roman Catholics in the northern parts of this island. I remember his observation the last session, that the penal laws of that part of the united kingdom against the Roman Catholics had been enacted previous to the Union, and were of so complicated a nature, that it would require a good deal of time fully to investigate them, in order to frame a Bill for their total or partial repeal. He therefore declared it advisable to defer the relief of Scottish Roman Catholics till the next session, when he pledged himself to the House that he would have a Bill ready for that purpose. The idea was approved by both sides of the House, and warmly recommended to the hon. gentleman's peculiar attention. So much of the present session is already elapsed, that I think it my duty on his first appearance to remind him of that parliamentary engagement, which I doubt not he is ready immediately to fulfil.

Mr. Dundas replied, that he had found such tumults and insurrections in all parts of Scotland, and so violent an opposition to the measure, that in the counties where he was most interested, he had done every thing in his power to reconcile the people to it; but finding it in vain, he had consulted the principal Roman Catholics, who had given it as their opinion, that it would be much better to decline all attempts to procure an Act in their favour, till time

and cool persuasion should remove the unhappy prejudices of the Protestants of that country against them.

Mr. Wilkes. I think it is now apparent that the honour and independency of this House have been meanly sacrificed by the friends of administration to the seditious populace in Scotland. An example of a fatal nature has been given by the mobs of Edinburgh and Glasgow to the mob of London to rise, and endeavour by similar outrages to prevent any matter of moment displeasing to them from ever being brought into parliament. The magistrates of Edinburgh appear to have been apprized of the intended riot some days before, and at least connived at the tumult. If the accounts published there are to be credited, they actually aided and abetted the rioters. They saw, with pleasure, the various cruelties exercised by a lawless banditti. They exerted their authority only against those who endeavoured to quell the riot. By a proclamation in their name, four days after the riot, they seem to plead guilty; for they declare, "after this public assurance the lord provost and magistrates will take the most vigorous measures for repressing any tumultuous or riotous meeting of the populace, which may hereafter arise: being satisfied that any future disorders will proceed only from the wicked views of bad and designing men;" a very handsome, although indirect compliment to the good views of the former well-meaning rioters. A solemn promise had been made in the name of government to the mob by the lord justice clerk, that no Bill in favour of the Scottish Roman Catholics should be brought into the House of Commons this session. Is it possible, Sir, to imagine a more ignominious surrender of the dignity of parliament, or a more perfect annihilation of our legislative rights? A British parliament is controlled in their proceedings by an Edinburgh mob, and we are forbid even beginning an act of justice or humanity by an ignorant and insolent mob, by a mad and lawless rabble. The public faith, pledged in the most solemn manner by government to the Roman Catholics of Scotland, is grossly violated. The Attorney General was proceeding capitally against some rioters, who, in the general joy for the triumph of virtue and bravery over malice and persecution, had broken windows in this metropolis; yet the mob of Edinburgh, who had pulled down and set fire to houses, and totally ruined some

innocent individuals, are unnoticed by the law officers of the crown. Instead of punishment, they meet with applause; they obtain the object for which they had riotously assembled. England, Sir, has relaxed her penal laws against the Roman Catholics: Ireland has relaxed her penal laws; but Scotland obstinately refuses, although her penal laws are much more barbarous than those of the other two kingdoms. It becomes then, the wisdom and justice of parliament, in this crisis, to act with spirit. The conduct of administration appears to me highly criminal, and the legislature ought therefore to interfere. Every government owes protection to its subjects, or forfeits their allegiance. When I am informed that the peaceable and loyal Roman Catholics of Scotland find no security, even in the capital, for their lives and property, I do not hesitate to assert, that there is a dissolution of all government.

Debate on Mr. Dunning's Motion respecting the Power of the Board of Admiralty to Grant or Refuse Courts Martial. March 15. *Mr. Dunning*, having given notice that he had a motion to make respecting the conduct and power of the board of Admiralty, in granting courts-martial, and some papers which he had moved for being laid on the table, now rose. He began with stating a complaint against the crown officers respecting the papers moved for, and on which his motion was to be grounded. He observed, that many weeks since a motion had been made, and met the approbation of the House, for copies of all the proceedings upon application for courts martial, or for enquiries respecting them, which had been made to the Admiralty-board since the passing of the 22d Geo. 2; that the persons whose duty should have suggested a very different line of conduct, had refused to give the papers desired, or, which amounted to pretty much the same thing, had pleaded an utter inability to comply with the order of the House, under various pretexts and stale excuses; that at length, upon loose information suggested to him, he was obliged to fix upon three instances, that of capt. Crookshanks in 1759, of capt. Stott two or three years since, and of capt. Clements' complaint of his inferior officers. He begged leave to call to the recollection of the House, that when the general motion was first made, it was narrowed to commissioned officers from off-

cers, which would have included warrant and petty officers as well as commissioned only, under the idea of its being perfectly practicable to comply with it thus narrowed. But to return, though several days had elapsed since he moved for the particular papers, they had not all been produced till within a few minutes. He condemned such a conduct as highly disrespectful to parliament, as an hindrance to the furthering of public justice, and as an acknowledgment, that what administration were not able to meet fairly, upon the ground of fact or argument, they were determined to suppress. He was obliged to proceed as well as he could without them, and he had no reason to doubt but he should be able to support his motion on the spirit and letter of the existing law, without travelling to procure assistance out of the act of parliament itself.

He then adverted to the particular circumstances of the transaction which gave birth to the present motion. That the Admiralty ought to have a discretionary power, it was a decided point with him that they had that power. The necessity of the exercise of such a power was obvious to the meanest understanding; which he proved upon the possible case of an admiral being accused by an inferior officer, when proceeding upon actual service of the first importance, the success of which might totally depend upon dispatch. Just at the instant, suppose a specific complaint to be lodged, what must be the consequence if no discretionary power was vested in the Admiralty-board? That the commander in chief must immediately have his conduct enquired into; that all operations must be suspended: but that was not all; though his station could be immediately supplied and ably filled, would the matter rest there? By no means. The principal officers of the fleet must attend as witnesses, or be superseded by others of less experience, unacquainted with their inferior officers, the ships and the seamen they were to command without knowledge of, or confidence in, each other. In short, till the fate of the party accused should be determined one way or other, the public service must stand still. Such a state of things presented an imaginary scene of the highest folly and absurdity. It supposed, that the Admiralty-board had no power but to do harm; to bring on inevitable destruction upon their country; to defeat the very end for which they were constituted, that of controul and public

preservation. But, thank God! the case was clearly otherwise; they possessed the discretion contended for; they were legally invested with it, and had exercised it for a number of years, indeed as long as there was a regular naval establishment in this country.

After this exordium he proceeded to state the scraps of paper, as he called them, upon the table, and contended, that few and imperfect as they appeared, they were fully sufficient to support the motion he was about to submit to the consideration of the House. The first was, that of capt. Crookshanks. He complained of a captain under his command, in an engagement with a Spanish man of war called the *Glorioso*. He had himself been tried for not giving his assistance to his inferior, which it was his duty to do, and was, upon the circumstances of the case, declared incapable of serving again during his Majesty's pleasure. When, therefore, he applied for a court-martial on his accuser, he was refused in the very terms which ought to have been used to sir Hugh Palliser, when he delivered in his accusation on the 9th of December last to the Admiralty-board. He was told, "That that board would never receive any accusation which originated in a spirit of resentment and re-crimination."

He next stated the case of captain Stott, who was complained of by his lieutenant, and that made up in a specific charge; and concluded his proofs with the cases of captain Clements at one time, charged by the master of his ship, the *Pallas*, and his charges lately against his inferior officers, instances in neither of which any trial had been had, though the charges were direct and specific. But he had no occasion to cite cases at all to support his motion; the words of the act of parliament furnished him with sufficient proof; proof so ample indeed, that he would venture to predict, that there was not a professional man in that House, eager as many of them might be to distinguish themselves in the present contest, that would be hardy enough to dispute the discretionary powers vested by the statute of the 22d of the late king, in the Admiralty-board; or rather to prove this negative, that no such power was vested in the board previous to the passing of the statute, or that the power existed before in the board, and was divested by the statute.

To prove the first in the affirmative, he

laid it down as clear indisputable law, that from Charles 2 to the year 1749, a discretionary power was vested and exercised by the Admiralty-board; that the statute did not limit, alter, or restrain this discretion in any instance but one, namely, that of restraining the time of receiving complaints to within three years after the fact committed, and six months after the arrival of the party in any port in Great Britain; and finally, that both the words of the statute, and the powers delegated to the commanders of squadrons, &c. and to the uniform usage of the board itself, all met in one single point, that the board were possessed of the discretion, and always exercised it when they thought proper. He proceeded to confirm this part of the argument by references to the statute itself. In the clause which directs the trial, and vests the power for ordering it, he observed, that it concludes with the words, "if occasion should require," which words contained in themselves the most apt description of a discretionary power; it says, do such a thing if occasion should require; that is, if you think proper: do not do it, if you think the complaint improper. The clause which empowers the Admiralty-board to give instructions to commanders going on distant service, defines that part of the power thus delegated in the same manner. It commands or directs the commissioners of the Admiralty to instruct the officer or commander to do—what? to order enquiries and courts-martial, when on distant service, whenever they shall see occasion for them. He shewed, that this was the sense in which all admirals and officers in high command had uniformly interpreted their instructions, and acted under them, and condemned the absurdity of supposing that the board could delegate a discretionary power which they were not possessed of themselves; and concluded this part of his argument with commenting on the last clause in the statute, which reserves and confirms every power vested in the Admiralty-board, by all laws and statutes heretofore in being, in as full and ample a manner as they had ever been possessed and enjoyed.

He then proceeded to apply his argument directly to the first motion he intended to move. If his facts and reasonings were true, if he was right in matter of law, and clear in point of opinion, which he trusted was confessed by the House, his motion would appear in the light of an

incontrovertible conclusion, collected from his premises. He accordingly should move, "That it is the duty of the Lords Commissioners of the Admiralty, upon charges exhibited to them of naval offences, to direct, refuse, or delay the holding of Courts-Martial, as, upon consideration of the circumstances of the case, and a due exercise of a sound discretion, there shall be occasion." He did not wish to take the House by surprize; but if this resolution should meet the approbation of the House, as he doubted not it would, he gave notice, that he would follow it by another, which would bring the question into discussion relative to the good or bad conduct of the Admiralty-board, in ordering admiral Keppel to be tried on an accusation made by sir Hugh Palliser. That board would then have a full opportunity of vindicating their conduct in the face of the nation, and declaring fairly and openly whether they acted through ignorance or design.

He then read his second motion, which was, "That the conduct of the Lords Commissioners of the Admiralty, on the 9th of December last, in coming to an immediate resolution to direct a Court-Martial for the trial of the hon. admiral Keppel, commander in chief of a fleet of his Majesty's ships of war, (on a charge exhibited against him on that day by vice-admiral sir Hugh Palliser, a member of that board), was, as far as it proceeded upon the ground of a supposed want of discretionary power to refuse or delay that direction, unwarranted by the letter or spirit of the said act of parliament, contrary to the antecedent practice of the Admiralty, and would, if admitted, establish a principle injurious to the service, and detrimental to the state; and that the measure is, upon any other ground, indefensible, under the actual circumstances of the case."

Lord *Mulgrave* confessed his inferiority in point of legal construction, to a gentleman whose profession not only led him to studies of that kind, but whose abilities, habits, and great legal ingenuity, were frequently exercised in putting two interpretations directly contradictory and repugnant to each other, upon the same statute. After some further reflections of the same tendency, and before he proceeded to argue the question, he observed that the complaint of the disrespect shewn to the House, in not complying with its orders relative to papers, was extremely ill-

founded, because it was impossible to be obeyed. What was the order? No less than for copies of the proceedings of all the courts-martial which had been held since the passing of the 22d Geo. 2., a period of 30 years, and which were of that magnitude, he believed, as scarcely to be contained in 16 large volumes in folio. The truth was, that it was not thought proper to suspend the public business of the nation, merely to copy those papers, which the hon. gentleman confessed he could do without. Besides, the other House had given very extensive orders for papers, which had not yet been complied with; nor was it possible to comply with both, without neglecting all other public business.

As to the motion read by the hon. gentleman, he was astonished how it could be offered by a gentleman of the long robe, who must know, that a resolution of the House of Commons, declaring the law, was not law, and let that declaration be ever so strong, left the law precisely as it found it: nor would the courts in Westminster-hall be influenced by any such extra-judicial determination; they would not pay it the least attention; they would declare the law, not the opinion of the House of Commons. If the Admiralty-board had acted improperly, the laws of the country were open, and redress could be obtained by the injured party. That House could no more declare the law, than they could make it. It composed but one of the branches of the legislature. A vote of that House was no more than an opinion; it neither bound nor could reach any man, unless he had offended against the laws of his country, and if he had, he was amenable only to a legal tribunal.

He gave the history of the cases cited from the papers on the table, which, after nearly an hour's detail, amounted simply to this, that captain Crookshanks was refused to be heard as an accuser, merely because, after the engagement with the *Glorioso*, he went aboard the captain of the *Warwick*, and in presence of all the officers and seamen, purposely called upon deck, bestowed the highest commendations on the prowess and skill of captain Erskine, who with a 50 gun ship had maintained so warm and long an engagement with a Spanish man of war of 74 guns. The affair of captain Stott was not of a nature properly cognizable by the Admiralty-board; for it was only a charge of having entertained and rated on the books land-

men as ordinary seamen, a distinction which it would be, indeed, very difficult to ascertain; but taking the complaint as eventually well founded, it came within the description of embezzlement, rather than of any criminal offence properly cognizable by the Admiralty-board. The complaint of captain Clements against his inferior officers was trivial in itself; and all the instances in which trials had been refused, were such only where the charges were loose and indefinite, and wanted that degree of certainty which was necessary to the party accused, to come upon equal terms to his defence.

After repeatedly saying that the stream of precedents militated against the learned gentleman's motion, he quoted the particular case of captain Powlet, the present duke of Bolton. In a letter which capt. Powlet wrote to the late duke of Bedford, whom he imagined to be still at the head of the Admiralty, he complained of the conduct of his principal, the late admiral Griffin, for misconduct. The duke, though out of office, as soon as he received it, transmitted it to the Admiralty-board. When the admiral arrived in England, he complained of captain Powlet. A question arose, Whether the letter thus transmitted, should be deemed a private intimation, or public correspondence? It was at length finally determined, that the complaint of capt. Powlet should be enquired into, and the captain expressing a reluctance and dislike on the occasion, that a private letter should be turned into a public accusation, in a letter to the board, he was answered, that when he lodged his complaint, he should have known that his admiral must be tried; and he was informed, that the board were doing their duty when they directed him to make his charge. From the words 'must' and 'duty,' it was plain, the lords of the Admiralty, at the time, held themselves bound to order a trial, as soon as a specific charge should be exhibited. The first letter sent to capt. Powlet was that from which was copied the one sent to admiral Keppel, to desire him to bring his charge against sir Hugh Paliser. Gentlemen might think proper to be offended at the style of the letter, but they might now learn, that it was an official one. It was true, the admiral, in the case before-mentioned, recriminated; but he was told, that he must first answer the charge of his inferior officer, before any charge he made could be properly enquired into.

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A great deal of pains had been taken in former debates on this subject, to trace out an analogy between the power of grand juries and the Admiralty-board. For his part, he could not discover the similitude. The mode of proceeding, and the objects of enquiry, were very different. Not to be condemned at the Old Bailey, was the chief interest and object of the person accused: the event of his trial was a matter of indifference to the public, so that justice was done: but in military and naval courts-martial, the public was deeply interested, when the parties accused were persons in high command. The persons thus called to account, might have the safety, protection, and dearest interests of the nation committed to their care, and it ever should be an object of the first importance to the people that no man should be permitted to remain in the service of his country, whose character had been impeached, till the truth of the charge was enquired into; and, indeed, common justice and humanity required it, in behalf of the person accused.

It was evident, that when the constitution empowered a set of men to discharge any particular trust, that it meant to delegate every thing necessary for effecting it. It was the duty of the Admiralty-board in particular, to see that officers had done their duty; to examine, without the power to give an opinion whether the matter was deserving of enquiry, could answer no purpose whatever. To prevent superior commands from falling into improper hands, was one of the prime duties of the Admiralty-board. Where any cause of doubt arose, it was the duty of the board to send the ground of doubt to be enquired into; and when charges and insinuations were thrown out, it was the only means an officer had of vindicating his character. Many proofs had been given of the earnest desire of officers to avail themselves of this right by applications to the board, to have their conduct enquired into, which, in general, had been always complied with. Were it otherwise, it might open a door to collusion, to cover guilt, because, if no accuser appeared, the person charged or suspected might be permitted to escape with impunity. Admiral Knowles, though high in rank and reputation, had been tried on a charge of four of his captains, though the accusation was grounded on what must be esteemed an act of gallantry. The board who ordered the trial were never censured for sending the complaint to be

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enquired into. Captain Arbuthnot was accused by a very inferior officer; his innocence was not questioned at the time, yet sir C. Saunders and Mr. Keppel, who then sat at the board, were never blamed for ordering him to be brought to his trial. Mr. Windsor must now be tried, when restored to liberty, for the loss of the Fox; yet all mankind must subscribe to the gallantry and high professional merit of the honourable captain: but nevertheless, the Admiralty-board had it not in their power to stop the established form of justice. His lordship, upon the whole, contended, that whatever the law in technical construction might seem to import, it was the usage that would and ought to determine the question. The practice had been uniformly to send complaints to a court-martial, when they were of such a nature as to admit of an issue: the complaint preferred against sir Hugh Palliser came within that description; and, as far as that principle led, he was ready to maintain against every gentleman of the long robe within and without that House, that the Admiralty-board were not invested, either by the ancient, or any subsequent law, with the discretionary power, to the extent insisted upon by the learned gentleman.

Lord Howe said, the doctrine so confidently urged by the noble lord gave him just cause of alarm. He had acted according to the instructions from the Admiralty-board. Those instructions vested in him what he deemed a discretionary power. He had acted conformably to those instructions: but what was he told now by an high official authority, no less than the mouth of the Admiralty-board in that House, That though his instructions were discretionary, those who delegated this discretionary power had no such power themselves. If this should really be the case, he hoped that a Bill would be brought in for the purpose of amending the Act in the first instance, and for protecting such as had acted under those powers in the second. For his part, as long as he knew any thing of naval service, a discretionary power was regularly exercised; and, till the affair of admiral Keppel brought the question into discussion, was constantly acquiesced in. The instructions stated the power, and defined it; it was constantly exercised by every naval commander, as soon as he quitted the narrow seas; nay more, one clause in the Act even extended to the merchants' service, and vested a discretionary power in a cer-

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tain number of captains or masters of trading vessels; for in any port where there happened to be at the same time five British masters of ships, upon a complaint against any master, petty officer, or seaman, aboard those ships, it was competent for the officers to proceed to enquiry and judgment, referring, however, the sentence finally to the Admiralty-board. He wished sincerely to have the matter fully explained.

Mr. *Hans Stanley* said, if he assented to the motion, he should give his assent to a motion which he did not approve of, particularly as it was a resolution precedent to an intended vote of censure; if he gave it a negative, he must give it to a proposition several parts of which he looked upon to be true. He was persuaded that the Admiralty-board were invested with a power to direct, refuse, or delay courts-martial; consequently he could not vote against that part of the motion. Experience justified him in affirming, that during the 8 years he sat at the Admiralty-board, which were the 8 most glorious years this country ever knew, upon complaints preferred, it was always understood that the board might reject or entertain the charge if they thought proper. At the same time he did not like the word discretion, as stated in the motion; it was a word too loose and indeterminate; nor could he ever assent to what appeared to him so liable to abuse; for it might create a power not to receive any complaint, however justly founded, or to entertain any accusation, however absurd, preposterous and improbable.

Mr. *T. Townshend* congratulated the hon. gentleman who made the motion on his victory over administration, so far as his motion went. A gentleman of high character, of great weight with the other side of the House, had now declared, in the terms moved by his hon. friend, that the Admiralty-board had a right to direct, refuse, and delay a court-martial. What was this but the very discretion contended for? But the hon. gentleman does not like the word, because it is too loose; nor the specification, because it is too definite. He will not give the motion an affirmative, because it may lead to a vote of censure; nor a negative, because it is founded in truth; in short, the hon. gentleman's argument goes to this, that he will not vote for a proposition which he knows to be right, lest it should be followed by another which he does not approve of. He made several other observations to the same effect, and sat down with observing, that

all the ministerial mechanic powers of the Admiralty-board, which had been stated as the only apology for sending sir Hugh Palliser's accusation to be enquired into, were totally abandoned by the hon. gentleman; they were set up as the temporary defence of the day, and being found no longer tenable, were thrown aside, and the favourite argument of not coming to any vote which may immediately or remotely affect administration resorted to in the last instance.

Mr. *Hans Stanley* appealed from the hon. gentleman's conclusions: he denied that he acknowledged a discretionary power in the Admiralty-board, in the sense conceived by the last speaker; and that he said he would vote for the motion, if he was to vote at all; for the truth was, that he could neither vote for nor against it in the manner it presented itself to the House. If it was altered so as to meet his ideas, he would then vote, but not until then. He gave an intimation of wishing that the motion were disposed of in some other manner than giving it a direct negative.

Mr. Attorney General *Wedderburn* acknowledged that he had been led into a hasty opinion when the question was last mentioned in that House, though not to the extent nor in the manner which had been alluded to by his learned friend. He perfectly coincided with his learned friend, that the Act of 22 George 2, gave no new power, nor took away any old one, except in the single instance mentioned by him, relative to the limitation of the time for receiving an accusation either in Great-Britain or elsewhere. The powers vested in the board on its first constitution, continued the same to the present instant. He therefore begged to remind the House, that although what he offered on the subject was hastily offered, he nevertheless reserved to himself the natural right of re-consideration and revisal. He did not commit himself blindly; it was never his manner. He always spoke under the reserve of future revision; and he was now as ready to acknowledge that the Admiralty-board had a right to direct, refuse, or delay courts-martial, as he was when the question was first agitated to state his doubts, and give a conditional opinion that no such power existed.

He thought the circumstances of the case on the present occasion fully justified the conduct of the Admiralty-board. What were they? An officer of high rank

and of the first reputation in his profession, makes a specific accusation against his commander in chief, not of equal rank, but of equal reputation with the person whom he accused. What did the accuser stake? Every thing valuable and dear: the fruit of forty years services; a fame and reputation purchased with his best ability; his professional rank; his seat at the Admiralty-board; the lieutenant generalship of the marines; the government of Scarborough Castle; and eventually his seat in that House. Was not one half of these a good pledge to the Admiralty-board and the public, when staked upon an accusation consisting of five specific articles. For his part, he never believed the charge to be true; and yet he confessed he was staggered when he considered how little the vice-admiral of the blue had to gain, and how very much he had to lose, and which he knew he must lose, if he failed in making good his accusation. He had already experienced in part, what he well deserved. He had been declared by a most respectable and honourable body of men, the members of the court-martial who tried admiral Keppel, as the author of a malicious and ill-founded accusation. He had no reason to doubt that the assertion had been proved, and well proved; and the vice-admiral ought and must take the consequences of his malice or folly, no matter which, so far as it was connected with the present debate. He did by no means wish to pre-judge the vice-admiral, who, he understood, was to undergo a trial into his conduct, relative to the affair of the 27th of July. Far from it; he presumed that the vice-admiral was an able and gallant officer; all he meant to say was, that such an accusation, made by such a man, justified the conduct of the Admiralty-board, and precluded them from exercising a discretion, which, in almost any circumstances short of those already mentioned, would perhaps have been extremely proper, when opposed to the deservedly high character and the eminent services of the commander in chief, as well as the numerous inconveniences which in times of war must ever accompany public enquiries of so extensive and important a nature.

The main part of his argument, which was collateral on the subject at the time alluded to, he would never give up, as the more he considered the subject, the more he was convinced he was right; he meant the supposed analogy between the powers

vested in the Admiralty-board, and those interpositional or discretionary powers vested in grand juries upon bills of indictment and informations in the court of King's-bench. The same ideas which prevailed with his learned friend on a former occasion, seemed yet to keep possession of his mind. The motion said as much: the words "according to the circumstances of the case," had evidently this interpositional or discretionary power in view. Would the learned gentleman say, that the Admiralty-board had the capacity to act as a grand jury, or as the court of King's-bench? Could they, as well as the two latter, enquire into the "particular circumstances of the case?" Could they examine witnesses, either *ex parte* as a grand jury, or as the court of King's-bench? If they could not, what circumstances of the case could possibly come legally within their cognizance? None at all. He should therefore never consent to come to a vote, resting on the broad ground of discretion. Such a vote, considered even as a rule to the gentlemen of the navy, would only serve to distract and confound, and lead to uncertainty, error, and abuse. For instance, there was a commander of a squadron now preparing to depart for the East Indies. He might not probably leave Portsmouth, should the present vote pass, before he would learn that this House had declared the law, "that it is the duty of the commissioners of the Admiralty, and of every officer under them in their several subordinate ranks and situations, to exercise a due and sound discretion." Well, the admiral proceeds perhaps till he gets beyond the line, and then takes up a book of great law authority, which informs him, that discretion is the law of tyrants. In such a case, what is the admiral to do? A vote of this House tells him to exercise a due and sound discretion upon the circumstances arising before him; the great law authority warns him, that discretion is the tyrant's law. His three great propositions were, that the board were invested with a discretionary power; that the power so vested was not analogous to any power exercised in the courts of common and criminal law; and that it was absurd to come to a vote, to shew that a discretion was vested in the Admiralty-board generally, when the nature of the discretion itself was limited, by including in the same vote, that the board had a right to direct, refuse, and delay sending complaints to be sent to a court-martial. Before he sat

down, he declared he was partly of the opinion of the hon. gentleman. He could not say that the Admiralty-board had not a discretion, nor that they had, according to the circumstances of the case; these words importing an intermediate enquiry, between the receiving of a complaint, and sending it to a court-martial. Thinking, therefore, that a direct negative or affirmative would be equally improper, he begged to suspend the decision of the question one way or other, by moving the previous question.

Mr. *Burke* was severe on the reasoning of the learned gentleman who spoke last. He approved much of his candour and explicit conduct, in reprobating the absurd ideas of his friends, which he had so warmly espoused before Christmas; and lamented that he had not pushed both a little further, and applied them fully on the present occasion.

The learned gentleman had given up two points without reserve. He acknowledged, that the present board possessed every substantial power enjoyed by their predecessors since early in the reign of Charles 2, and that the powers so possessed amounted to discretionary powers; but, says the learned gentleman, though a discretion is lodged in the board, they must not be told that they have it, particularly by this House. When the power is spoken of at first, it is extremely necessary to deny its existence, with a reserve, however, of acknowledging it hereafter, when it can be no longer defended. But attend to the manner and further purpose of this concession; it is acknowledged, that this power exists, but sooner than resolve one way or the other, the hon. and learned gentleman has proposed the previous question. By this means, as well in form as effect, the learned gentleman, the first law-officer of the crown, tells you, that the Admiralty-board were merely ministerial; he tells you now, that he retained a reserve within his own breast of recanting his first opinion, and thereby retaining his credit and integrity. Well, what is the effect of all this? He divides his discourse into three parts; in the first he states the discretion contended on this side of the House; in the next, that it does not partake of the discretion exercised by grand juries and the court of King's-bench, in granting or withholding informations; and, thirdly, because it is not such a species of discretion, and because it is limited, it amounts to no discretion at all. Thus,

whether the discretion exists, or does not exist, forms no part of the question; for if it does, it arises not from "the circumstances of the case;" and if it does not exist precisely in that manner, it cannot be exercised.

The learned gentleman continues but a very short time of the same opinion; for, after labouring a great deal to prove that the discretion contended for on this side of the House, bears no resemblance to any other species of legal discretion whatever, he spends above half an hour in argument to prove, that though the Admiralty-board had a discretionary power, they could not properly exercise it, according to the "circumstances of the case;" the very words in the motion with which he has quarrelled, and his motives for withholding his assent and getting rid of the motion by the previous question. The vice-admiral was an officer of high rank in the service, of great reputation in his profession, possessing considerable posts and emoluments under government, the loss of which he hazarded on the truth or falsehood of the accusation preferred by him against his superior officer. Now, by any rule of common sense, or deduction, what are all these but the circumstances of the case? Did not the board deliberate and determine upon those circumstances? If they did, then the learned gentleman's ground of objection falls instantly to the ground; if they did not, they acted ignorantly and criminally in not exercising that discretion which the law had vested in them.

The learned gentleman finding himself bewildered, however, in endless mazes of intricacy and contradiction, has recourse to a most curious and novel mixture of fact, supposition, and argument. He takes it for granted, that sir Edward Hughes, now destined for the East Indies, should the House come to the proposed vote, will unfortunately go out possessed with the preposterous idea, that he is justified by this vote to exercise a broad discretion. What next? Why, as soon as sir Edward passes the line, so fate hath decreed it, he will take up some great law authority to peruse, and having perused it, he will then and there find contained in the said law-book, that discretion is the law of tyrants. What then is the conclusion? That sir Edward will not know in the world what to do. If he disobeys the vote of this House, he will be guilty of a breach of privilege, or at least a breach of duty; if he does not disobey it, then comes his con-

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science accusing him, reminding him that he has preferred discretion, the tyrant's law. So that if he does not act discretionally, which the law impowers him to do; or if he acts merely ministerially, which the law forbids him to do, according to the concessions of the learned gentleman himself, sir Edward is sure to remain in doubt and uncertainty, and when he is acting perfectly right, according to his own judgment and opinion, he must be persuaded he is acting perfectly wrong, and contrary to his conscience.

He was willing, however, not to shock the learned gentleman's understanding, by tracing an analogy between the proceedings of the Admiralty-board and our courts of criminal and common law. He would acknowledge, that the board had no right to examine witnesses *ex parte* upon oath, like a grand jury; nor to receive written testimonies upon oath, like the court of King's-bench, previous to the granting or refusing an information. But as the learned gentleman had described the board, stating the probabilities which determined their conduct on one side, why not suppose that they ought to have informed themselves as much as they could on the other; and after putting them in opposite scales, determine fairly in favour of the weightiest? Why not take the long and able services of the commander in chief as the basis to plead on, as well as the services of sir Hugh Palliser? Why not consult the vice-admiral of the red, sir John Lindsay, sir John Lockhart Ross, and the captains La Foreste, Walsingham, Gower, &c.? If the board could not examine them upon oath, they might confer with them as officers, and consult them as gentlemen and men of honour. If what those gentlemen would have said could not be received as evidence, it might well be opposed to an accusation not given in upon oath. The opinions of such men, had they been desired, might well meet the opinion of that of sir Hugh Palliser, for his accusation was no more. He was not bound to prove in any other manner but by the oaths of other men; so that take it in any sense, if the opinions of those gentlemen already mentioned had contradicted that of the vice-admiral of the blue, it would have been no more than weighing opinion against opinion.

He observed, that the noble lord who opposed the motion, had with his usual ability contended, that a vote of the House of Commons, declaring the law was not

law, nor binding upon the courts in Westminster-hall. He agreed with him most heartily; but he trusted that a vote of the House of Commons did not render what was before legal, illegal. If it did not, then the observation went for nothing. But the question of law was already given up, by the noble lord's learned friend, who spoke last; therefore, a vote of the House of Commons, declaring what the law was, when it went to declare what the law was acknowledged to be, was not usurping the whole legislative power into their own hands, but a mere opinion, that the legislature had declared the law to be such as stated in the vote.

The noble lord's sentiments in the course of his speech brought a very remarkable circumstance fresh into his mind, which proved that his lordship once entertained a very different opinion. His lordship moved a proposition in that House some years since,* and maintained the propriety of it in a very able manner, in which it was asserted, that one of the ordinary functions of the first law-officer of the crown was contrary to law, and the fundamental privileges of the people under the constitution; it seemed, however, that the noble lord exerted himself in this spirited attempt to no purpose; for if it had been carried by a vote of the House of Commons, it would have availed nothing, it would have been disregarded by the judges in Westminster-hall, which was not the language held by him on that occasion, and which he would not have treated as an extra-judicial opinion, that no man was obliged to take notice of or obey, because it had not the sanction of the other two branches of the legislature.

After some farther allusions on the former and present conduct of the noble lord, he again resumed his observations on the arguments of the learned gentleman who spoke last, which he held up in a variety of strong lights, as involving a series of absurdity and contradiction. He concluded with recommending to the House, to come to the vote desired, as the only means of removing that contrariety of opinion every person on the opposite bench held with himself, and every individual who spoke held with the speaker who preceded him.

* Alluding to captain Phipps's motion on the 27th of November, 1770, respecting the power of the Attorney General to file Informations *Ex-officio*. See Vol. 16, p. 1127.

Mr. Solicitor General *Wallace* said he should enter into an investigation of the legal question, to shew, that the discretion vested in the Admiralty board was not analogous to any other species of power exercised in any of the stages of criminal proceeding. The board had been improperly described by the hon. gentleman who spoke last; for it could not authoritatively send for vice-admiral Harland, for sir J. Lindsay, or sir J. Lockhart Ross; nor, if they had sent for them, and interrogated them on the affair of the 27th of July, were they bound to answer. Nor could their loose opinions, not given upon oath, nor under the sanction of any legal provision, outweigh the positive duty which the law imposed upon them in the capacity of commissioners, having before them no less than an accusation, which, if proved, rendered the party convicted liable to suffer death. The distinction lodged in a grand jury and the court of King's-bench, was of a very different texture. The grand jurors had a right to examine witnesses *ex parte*, and, on that medium of proof, find or reject the Bill as they thought proper. In like manner, the court of King's-bench hear the parties by their counsel in court, and are in possession of facts by affidavits, which is the great ground of proceeding. He went largely into this subject, to prove, that the discretion possessed by the Admiralty-board did not partake of the nature of that inherent in grand juries, and the court of King's-bench.

He then met the great argument, that the Admiralty-board had the discretion contended for, but declined to exercise it, which he defended upon the three following grounds; the magnitude and specification of the charge, the character of the accuser, and the strong probabilities which presented themselves to the board, that a person so circumstanced would not have brought an accusation totally false. The accusation was direct and specific, and composed of five separate articles, upon any one of which issue might be taken, and the proof eventually lead to the condemnation of the accused, or the infamy and ignominy of the accuser.

What was the next consideration which ought to have pressed itself on the minds of the Admiralty-board? The rank and character of the accuser. Who is this man? He is a person of very high character in his profession, of long and merited service, of great rank as a professional

man, and was a witness and actor in the transactions of the 27th of July. But supposing that the board had carried their doubts to their fullest extent, would not the pledge, which the accuser held out to the board, be sufficient to do away all doubts and surmises? What, then, is the nature of this pledge? No less than a vice admiral, one of the commissioners of the Admiralty, lieutenant-general of the marines, a governor of Scarborough castle, and a member of that House, possessing places and emoluments little short of 5,000*l.* per annum, who is the author of the charge. What then, in the acceptation of the common-sense of mankind, does such a conduct amount to, but that a great and respectable naval officer, of distinguished reputation in his profession, comes to the Admiralty-board, and tells them substantially, "This is my charge against admiral Keppel. I pledge myself to prove every article of it; you cannot doubt my intentions, for I have staked forty years service, my rank, reputation, and great emoluments on the event. I must bring the charge home to the party accused, or my ruin is inevitable." Here he launched forth into very passionate expressions against sir Hugh Palliser, and bestowed several harsh epithets on his conduct, which he attributed to the worst motives, those of envy, rancour, resentment, and self defence. He said he was no longer worthy of notice, that he hoped the justice of the nation would be satisfied by bringing him to a trial, and though, for want of rigorous prosecution, sir Hugh should be acquitted, he would be one of the first in that House to rise to move, or readiest to second a motion of censure on the Admiralty-board, if they should again employ a man who had been convicted, and, in his opinion, very properly convicted, of the worst of all human crimes, that of preferring a malicious and ill-founded accusation against his principal in command. His conclusion on the whole was, that the Admiralty-board had a discretion of a particular nature, but not founded in previous enquiry; and that upon the circumstances which accompanied the accusation made by sir Hugh Palliser on the 9th of December, though they were competent to refuse or delay, they were fully justified in immediately directing a court-martial. He spoke for upwards of an hour, and very ably.

Mr. Dundas re-stated some of the arguments used by Mr. Attorney and Mr. So-

licitor; talked of sir Hugh Palliser as a gallant officer, accusing another gallant officer with misconduct; and contended, that the Admiralty-board could not have acted otherwise than they had done, without being guilty of manifest partiality. He travelled through a great deal of miscellaneous matter, such as riots, window breaking, processions into the city, &c. and afterwards returned to the subject, wishing rather to meet the motion fairly and directly than by the previous question, because the words "circumstances of the case" could not be supported in the first motion, as the board had no authority whatever to enquire into circumstances; and of course no censure could lie on the Admiralty-board, for not exercising a power they confessedly had not.

Admiral Pigot contended, that the board had a discretion in the instance alluded to, and were specially called by the very words objected to in the motion, "circumstances of the case," to reject the complaint. What were those circumstances? A vice-admiral, knowing of the crimes alleged by him against his superior in command, comes into port, after being witness to a conduct which deserved capital punishment, and remains silent. He sails a second time, under the same commander, on whose skill and conduct the very safety, nay existence of this country depended. Hitherto not a syllable of complaint escapes his lips, till attacked in print by an anonymous writer, who charged him with disobedience of orders. Here then, after some months, for the first time, in order to defend himself, he finds fault with his commander in a newspaper, to which he signs his name. Nevertheless, a month intervenes and no charge is made. At the end of that month, the affair of the 27th of July happens to be mentioned in that House, when he again repeats his charge. He confesses he did not obey the signal; he says he could not obey it; and charges the admiral with being the cause of his not being able to perform his duty, by his mistakes and errors in his mode of engaging; he adds at the same time, "There is nothing I more sincerely wish, than to have my conduct enquired into; but I decline it merely on account of the advancement of the public service, which must materially suffer should I be brought to trial." Well, a day was appointed when the House should next be in a committee of supply, on the navy estimates. On that day he attended in

his place in that House; both the admirals were present; sir Hugh Palliser said, the committee would be deferred till Friday, when he would again attend in his place. This was about a quarter after three. In a few minutes after, sir Hugh quitted the House, with the accusation in his pocket, which was received by the board at half past three, and a letter sent at half past ten that night to admiral Keppel to prepare for his trial. This plain narrative of facts furnished "the circumstances of the case," which would have fully justified the board in refusing a trial. Sir Hugh's silence at Plymouth, and from thence to the appearance of the anonymous publication, his apology to the House of Commons for not demanding a trial into his own conduct, his secretly preferring the accusation previous to the day in which the matter was again to be discussed in the House of Commons, and his declaring in his place in that House, after the accusation was received by the board, that he would never have preferred it, were it not to clear his own character. These, he said, were the circumstances of the case; circumstances more than sufficient to shew, that the accusation originated either in the most base and unmanly malice, or in a principle of self-defence and conscious guilt or negligence in the day of action.—The admiral then passed several high encomiums on the two great officers about to quit the service (Howe and Keppel.) He recapitulated their various services in very flattering terms. He begged lord Howe's pardon for speaking favourably of him to his face, as he knew no man liked it less; spoke of his great services at Rhode Island; read a long letter from his brother who commanded there, highly extolling the conduct of his lordship; and concluded with a general testimony, how calculated by every virtue, public and private, he was to conquer and command, by the interest he had in the heart of every British seaman. He trusted the expression, however homely, would not offend his lordship: that was, "Give us Black Dick, and we fear nothing." He added, though from particular circumstances several great naval characters were disgusted, he could never bear without pain, that it might and would affect the service in general. It was reported, that upwards of 20 captains of the first reputation were on the point of retiring from the service. He had made an inquiry concerning its truth, and he was glad to find it was totally groundless.

Lord *Howe* answered the compliments paid him by the last hon. gentleman, confessed how little he deserved them; and observed, that he would deserve the epithet of "black," indeed, in a very different sense, if he did not feel the most grateful emotions at his heart, on the very favourable opinion his country, his brother officers and seamen, entertained of his feeble attempts towards a performance of his duty. He said nevertheless, it would not be prudent to trust the little reputation he had earned by 40 years service, his personal honour, and every thing else which he held dear, into the hands of men who had neither the ability to act on their own judgment, or the integrity and good sense to follow the advice of others, who might know more of the matter.

General *Conway* said, the gentlemen of the long robe who opposed the motion, had clouded it over, and thrown the whole into uncertainty and confusion. They had in one part of their arguments contended even for the discretion they laboured most earnestly to prove, that it was a particular species of discretion; they agreed in fact to the terms of the motion, and finally had laboured to put off the decision, by the means of the previous question, because they doubted the extent and nature of the discretion. He then entered into the question at large, to shew that the Admiralty board had a discretionary power to send or not to send the accusation to be enquired into, and that there never was an occasion, upon the apparent circumstances of the case, which called more pressingly for the discretionary interposition of the Admiralty board.

Mr. *Fox* laid the principal stress of his argument on the Admiralty-board, not only sending admiral Keppel to trial in the hasty precipitate manner in which they did, but refusing him the use of such part of his instructions as might be necessary to his defence. He read the letters which passed between the admiral and the board, pending the trial, which he contended amounted to a direct denial: because, first, they tell him, that they will admit him to make use of such part of his instructions as may not be the means of conveying improper intelligence to the enemy; and when the admiral applied the second time, he was in fact refused, for he received a copy of no part of the instructions. He concluded, emphatically, that the man, the earl of Sandwich (he named him) who deprived this country of

two of her bravest admirals, was a greater traitor to the nation than the man who set fire to the dock-yards.

Lord *North* spoke in answer to most of the arguments that had been urged on the other side. His chief effort was to distinguish the fame, services and reputation attending the conduct of admiral Keppel, from, what he called, the false and spurious pretensions built upon them by the friends of the present motion. His lordship launched forth into the highest panegyric on the admiral, who, as a first rate, he represented as sailing before the wind, with all his sails set and streamers flying; he observed, that opposition had forced themselves into the shrouds, some on the yards, &c. They

"in their little bark attendant sail,
Pursue the triumph, and partake the gale."

After pursuing this idea for some time, his lordship compared them to the barnacles which fasten upon a ship's bottom, render it foul, and impede its progress. In one view, he observed they added to the triumph; in the other, they rendered the admiral's bottom foul, his courses slow, and if he did not shake them off in time, they might soon render a repair extremely necessary. His lordship went into a variety of proofs to shew that the board could not have acted otherwise than they had; for that if the trial had been refused, it would furnish a pretence for saying that they received a complaint, or perhaps advised it, and refused to send the charge to be enquired into, on purpose to prevent the admiral from proving his innocence.

Colonel *Barré* was severe upon lords North and Sandwich, who, if they knew what every crown lawyer now confessed, had behaved like traitors to their country: they had entered into a conspiracy to sacrifice admiral Keppel to their malice and revenge. He warned the noble lord in the blue ribbon, who, since his late declarations in that House, was equally responsible with the noble earl in the other House, that if admiral Keppel and lord Howe were to be driven from the service of their country, or, as he emphatically expressed himself, if this country should be despoiled of their services by such machinations and cabinet intrigues, that his and the noble earl's head alluded to, would be staked on the event. He was called to order by the House, and particularly by Mr. Penton; but he grew more violent, and compared his Majesty's mi-

nisters to a knot of midnight conspirators, plotting their country's ruin, and proscribing the lives, fortunes and reputation of every man who was likely to stand in the way of the accomplishment of their deep-laid but weak and nefarious system; a system every way calculated to ruin the nation, to render parliament shamefully servile and contemptible, and to arm a few chosen instruments with a species of power, no less destructive of the constitution, than of the personal glory and ease of the sovereign, and the general prosperity and happiness of the people.

Mr. *St. John* concluded the debate with an eulogium on the public and private virtues of the noble lord in the blue ribbon; on his great ministerial abilities, contempt of money, indefatigable industry, and disregard of power and worldly honours.

The previous question being put on Mr. Dunning's first motion, the House divided:

Tellers.

YEAS	{ Mr. Thomas Townshend	} 195
	{ Mr. Grenville - - - - -	
NOES	{ Lord Lewisham - - - -	} 228
	{ Mr. Robinson - - - - -	

So it passed in the negative. The question being then put on the second motion, the House divided:

Tellers.

NOES	{ Lord Lumley - - - -	} 121
	{ Sir George Yonge - - -	
YEAS	{ Lord Algernon Percy - -	} 218
	{ Sir Grey Cooper - - -	

So it passed in the negative.

Debates in the Commons on the Bill for the Relief of Protestant Dissenters.

March 17. Mr. Montagu reported from the Committee to whom it was referred to consider of granting further relief to Protestant Dissenting Ministers and School-Masters; That he was directed by the Committee to move the House, that leave be given to bring in a Bill for the further relief of Protestant Dissenting Ministers and School-Masters. He then moved accordingly. Sir H: Hoghton seconded the motion.

Mr. *Moysey* rose, not to oppose bringing in a Bill of that sort, but as he should not be in town when such Bill was debated, to express some doubts he entertained of the propriety of the measure. He said the conduct of the legislature from the time of passing the Toleration

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Act to the present day, afforded a lesson of great circumspection, as they had ever declined making any alteration in the law upon this subject, although their attention had been often called to it. He observed that the objects of the proposed Bill were persons whose province it was to instruct mankind; that from the first establishment of our national church the legislature had anxiously laboured to secure all persons of that description in the doctrine and principles of the Church of England; that without such foundation the Church could not have stood, and the Test Act never would have passed; that though the objects of the Bill were confined to preachers of dissenting congregations, that was in truth to all the world who would come and hear them, any body was a dissenter for the purpose of making an audience; that a preacher and teacher was a public trust, that indulgence to tender consciences, liberty to use their own form of worship, and to abstain from such modes as any men's opinions rejected, were already allowed; that it was difficult to say, how far tests in favour of the established church should be extended, but it was a great deal to expect from any legislature, that it should authorise any order of men to preach against its own church, which would be the effect of this Bill; that the late Act for the relief of Roman Catholics afforded no argument in favour of this Bill, unless it could appear that not only papists but popish priests were actually tolerated; and he inclined strongly to think that though the present form of the several tests might admit of amendment, yet that some sort of test in favour of the Church of England ought to be required from those who were professedly to teach the subject of religion, unless we wished to multiply rather than tolerate dissenters.

Sir *Wm. Bagot* moved to postpone the bringing in a Bill for the said purpose for four months.

A debate ensued thereupon, in which Mr. Burke, sir G. Yonge, sir G. Savile, and Mr. T. Townshend, pressed the impropriety of refusing relief to Protestant dissenters, when it had been so lately and so wisely granted in the last session to dissenters of the popish religion.

Sir *W. Bagot* rose again, and particularly insisted, that it was dangerous to attempt giving such general toleration at a time when the nation was so critically circumstanced, that the least alarms were highly dangerous, and instanced the mis-

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chiefs committed in Scotland at the idea of giving toleration to the Roman Catholics: he contended, that such of the dissenting ministers as were truly Christians were against the present Bill, being fearful that the cause of Christianity would suffer by the opportunity which would thereby be given to methodists, and an infinite number of other improper teachers, to spread schism through the minds of the people. He insisted, that the church and constitution now established were so intimately connected, that the least alteration in one was dangerous to the other, and that nobody could tell to what mischiefs the proposed plan of toleration would lead.

Lord *Lewisham* expressed his disapprobation of an application being made for this relief at the moment of our national humiliation, which was not thought necessary when his present Majesty mounted the throne of these kingdoms. He quoted his Majesty's speech to parliament at the time of his accession, which mentioned the happy union of his people on the grounds of toleration, those of the established church not repining at the toleration of the dissenters; and the dissenters not repining at the spiritual supremacy of the others. He wished to know what hardships had been imposed on those people since that period, when they found themselves so happy? And undertook to shew, from the preamble of the Act of Charles 2, which imposed the restraints on dissenters, that they tended to prevent the dissemination not only of schism, but of treason and rebellion, as appeared upon the face of the Act.

Mr. *T. Townshend* rejected the idea of so essential a connection between our church establishment and our constitution, that any alteration in one must endanger the other. If that position had been true, how could the same legal government support two distinct church establishments, that of England and that of Scotland, which differed so very essentially from one another?

Sir *George Savile* went more metaphysically into the subject, to shew how little the theoretical opinions or interpretations of particular articles or mysteries of faith could affect the government of our state. He marked the indecency as well as the absurdity of opening the door of toleration to some dissenters, and telling others we could not think of letting them pass; and he concluded by declaring it to be his opinion, that if singularity between our

church and constitution was really necessary, our church would infallibly approach nearer to the liberal construction of our government, in proportion as it approached towards universal and unlimited toleration.

The question being put, that the debate be adjourned till this day four months; the House divided. The Yeas went forth.

Tellers.

YEAS	{ Sir Wm. Bagot - - - }	6
	{ Sir Roger Newdigate - - }	
NOES	{ Mr. Frederick Montagu - }	77
	{ Mr. Alderman Sawbridge - }	

So it passed in the negative. Leave was then given to bring in the Bill; which was read a first and second time without any debate.

April 20. The House went into a committee on the Bill, Mr. Montagu in the chair. A Petition was read from the chancellor, masters, and scholars of the university of Oxford against the Bill, unless some clause should be inserted in it, declaratory of the Christianity of those who were to be relieved by it.

Lord *North* urged the propriety of the petition, and insisted that as guardians to religion and morality, parliament should take care that no doctrines should be allowed to be disseminated through the land subversive of Christianity, which was the basis of the constitution: the Bill, without such a clause as was required, would give a legal toleration to the public preaching of doctrines no less repugnant to religion than to the safety of the state; the Turk, the heathen, the idolator, might, by virtue of the Act, think themselves tolerated in propagating their tenets, and overturning the established religion. To obviate such dangers, he would lay a proposition before the committee, to which he was sure the dissenters would subscribe, and consequently he could not foresee any opposition to it: he then moved, That in order to be relieved by the Act, every dissenter should make a declaration, purporting that "I, A. B. do solemnly declare, that I am a Christian, and a Protestant Dissenter; and that I take the holy Scriptures, both of the Old and New Testament, as they are generally received in Protestant countries, for the rule of my faith and practice."

Mr. *Fox* was against clogging the Bill with any kind of test at all, and objected to the present one, though ever so proper; because if parliament had a power of im-

posing what was true on the Protestant dissenters, they might at another time oblige them to subscribe to what was false. Besides what scripture were those men to subscribe to? Was it the scripture as we or they conceived? But sooner than take the Bill with the proposed amendment, he would have the objects of it condemn the whole of it, and relinquish all farther thought of the matter.

Mr. T. Townshend was for the Bill, and paid many compliments to the Protestant Dissenters, as a sect that had ever shewn themselves zealous and disinterested supporters of the present family on the throne.

Lord North's proposition was warmly opposed by Messrs. Croft, Dunning, Wilkes, Turner, sir G. Yonge, sir W. Meredith, lords J. Cavendish, G. Gordon, and serjeant Alair; and as warmly supported by Mr. Burke and sir A. Ferguson, sir W. Bagot and Mr. H. Goodricke. The arguments were speculative and metaphysical; and hinged chiefly on the propriety or impropriety of the interference of the civil magistrate in matters of faith.

Mr. Wilkes said:

Mr. Montague; I am a steady friend to religious liberty and the right of private judgment, and therefore I hope to see this Bill go through the committee, unclogged by either of the tests proposed by the noble lord in the blue ribbon, or the hon. gentleman near him (sir H. Hoghton). Neither of them has advanced a syllable to prove the claim of the civil magistrate to interpose in matters of private opinion, to over-rule the rights of conscience, or to dictate a creed for the rest of the community. I deny that the civil magistrate has the least concern with the salvation of souls, or that any power of that nature is delegated to him. Men assemble in society only for the security of their civil rights, for the preservation and possession of life, liberty, houses, goods, effects, all kinds of property. The magistrate is therefore armed with the whole force of the state to assist the weak against the violence of the strong. Here his power ends. It need not, it cannot be carried further. My faith, whether robust or feeble, must depend on the persuasion of my own mind, on the strength or weakness of my understanding, on the conviction, which reasoning may operate. A person cannot be privileged to think and examine matters of faith to be believed by another. So far only as I know, can

I give a full assent. Some gentlemen near me are mistaken, when they talk in so confidential a strain of the sincerity and certainty of their faith, for no man could ever actually believe every thing in the 39 articles, because no man ever could understand the whole. In every unintelligible proposition, it is impossible to decide as to the truth or falsehood. Vain self-love makes a bigot think any opinion different from his own to be heresy, but every man is undoubtedly orthodox to himself. The power of compulsion in points of faith would lead to the enacting of error no less than of truth. Such a claim is attended with this plain absurdity, that the civil magistrate must every where have the same jurisdiction, and that the sole right of judging must be in him. I shall therefore be commanded at London to subscribe the Old and New Testament; but if I were born in the latitude of Constantinople, the Mufti might equally claim my belief of the Koran. If I were a native of Indostan, the Veidam, the Gentoo creed, and the Ordinations of the Pundits, must be acknowledged of divine authority; but in the north, all the various nations of the old Scandinavia, would have held out to me the inspired Edda, or System of Runic Mythology. The civil magistrate can clearly have no right to prescribe error; and we see how infinitely it varies, while truth is simple as well as uniform. It cannot then depend on the magistrate to enact truth, for we find how fallible he is, that he often enacts error, and no man will assert that I ought to be compelled to embrace error. But, Sir, no other man can think and determine for me in matters of conscience. The same argument, which brings conviction to the mind of one man, often operates very feebly on another. If I am not convinced, can I fairly assent or believe? Or am I to be compelled to the declaration of a falsehood? The portion of reason which God has given every man, can alone decide for him on the truth or falsehood of any proposition held out to him by another. By his own reason alone can he judge, and will he be judged.

I am at a loss to guess on what pretence, except the lust of power, in some countries the civil magistrate has usurped the claim of decreeing articles of faith for the rest of the community. If I am a good subject of the state, loyal to the prince and zealous for the welfare of my country, is not the great end of my asso-

ciating in civil society fully answered? I have stipulated for protection to my person and property from the laws, and the return is obedience to them. I am to defend the state, which defends me; but has this the least connection with my believing the religion of another man, with any mode of faith? In all cases where the public weal is not interested, I preserve my natural liberty. Four or five French wits some years ago sacrificed a goat to Bacchus. They had a right to make a burnt offering of their own goat to whom they pleased; to eat any part of it themselves, and consume the rest, according to their private caprice. But if a man should attempt to sacrifice his son to Moloch, the civil magistrate ought to interpose, and punish not the sacrifice, but the foul murder. The distinction is clear and founded in reason. The one is a foolish, but harmless act, not attended by injury to any person. The other is a horrid breach of the necessary police of every state, a violation of a most important law. The great Locke puts a similar case: "If any people congregated upon account of religion, should be desirous to sacrifice a calf, I deny that they ought to be prohibited by a law. Melibœus, whose calf it is, may lawfully kill his calf at home, and burn any part of it he thinks fit. For no injury is done to any one, no prejudice to another man's goods. And for the same reason he may kill his calf also in a religious manner. But if the interest of the commonwealth required all slaughter of beasts should be forboren for some time, in order to the increasing of the stock of cattle, that had been destroyed by some extraordinary murrain; who sees not that the magistrate, in such a case, may forbid all his subjects to kill any calves for any use whatsoever?"

Such, Sir, are the sound principles of toleration; and yet Locke was so alarmed by the bigotry and rancorous opposition of the Oxford Tories, then too in high credit, that he did not venture to speak out, and to argue with all the powers of his enlarged understanding. He says, that he would tolerate the idolater, not the Atheist. I cannot assign any cause of difference, supposing each to be a peaceable subject. Was David Hume, the professed Atheist, one of the most humane of our species, an irreproachable denizen, not to be allowed to reside quietly in his own house? Could such a proscription come from a Locke? Can a man forfeit all his franchises for a

mistaken point of speculation? As to the Atheist being admitted into places of trust or profit, that is a further consideration. Locke argues, "that promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an Atheist." I admit the observation as to oaths, most shockingly multiplied among us on every occasion. Perhaps penalties of a heavy nature might be as effectual with mankind in general. The reasoning does not hold good as to promises and covenants. This is the doctrine of mere violence. I would not, Sir, persecute even the Atheist. I think he has a right to toleration, and, for my own part, I pity him, for he wants the consolation which I enjoy.

I would support the sublime dome of St. Paul's, but I would not destroy a beautiful Pantheon. I wish to see rising in the neighbourhood of a Christian cathedral, near its gothic towers, the minaret of a Turkish mosque, a Chinese pagoda, and Jewish synagogue; with a temple of the sun, if any Persians could be found to inhabit this island, and worship in this gloomy climate, the God of their idolatry. The sole business of the magistrate is to take care that they did not persecute one another, for priests of all religions are the same. I speak not individually, but generally, as too fond of power, ambitious, grasping at wealth, honours, and preferment, luxurious, indolent, intolerant. Even the Toleration Act appears to me incomplete, and in a degree to breathe the spirit of persecution. I agree with the hon. gentleman who spoke last (Mr Powys) that it has great need of amendment. There is an absurd intolerance remaining even in that Act, as if nothing human could be perfect, as astronomers remark spots in the sun. One of the clauses enacts, that "it shall not extend to give any ease, benefit, or advantage, to any person that shall deny, in his preaching or writing, the doctrine of the blessed Trinity, as it is declared in the aforesaid articles," that is, the thirty-nine articles. Now, Sir, many learned and pious men have been of opinion, that the Athanasian doctrine of the Trinity, enjoined to be believed by the thirty-nine articles, is direct polytheism. It is certainly a speculative opinion, uninteresting to the welfare of the community, and therefore I ought to be left at liberty to reject or adopt it, according to the strength or weakness of my private judgment. Notwithstanding the pre-

sent forbearance of the church, which we are now reminded of, we know from such examples as Whiston, Clarke, and Hoadly, that even in this century good and exemplary men have suffered persecution on account of this very doctrine, and various species of pretended heresy, who were preserved merely by the interposition of the humane rulers of the state.

According to the present system of laws, there is not only a real persecution of the Protestant dissenting ministers, but a direct invasion of the natural rights of the laity, of every man who has the happiness of a father's name in this country. I suppose, Sir, it will be readily admitted, that the good education of children is the most important duty of every parent. I will then suppose, as I am told is actually the case of a noble lord distinguished for his great political knowledge, and refined taste in the polite arts, that a father is of opinion a certain dissenting clergyman will educate his son better than any other person. [Supposed to allude to lord Shelburne and Dr. Priestley.] It becomes, then, the duty of a father, under such a persuasion, to commit the education of his son to that tutor. Is he then to subject the dissenting clergyman to the most ridiculous restraints, "not to come within five miles of a city, town corporate, or borough, unless only in passing upon the road, or unless required by legal process, to imprisonment without bail or mainprize, or to heavy pecuniary penalties?" Or is he to violate the strongest injunctions of nature? I will venture, Sir, to affirm, that there are not in Europe men of more liberal ideas, more general knowledge, more cultivated understanding, and in all respects men better calculated to form the rising generation, to give the state wise and virtuous citizens, than the doctors Price, Priestley, and Kippis. Yet the rod of persecution hangs over them by a single thread, if they do not subscribe thirty-five articles and a half of our church. A mercenary informer, or a blind zealot, may bring under the lash of the law, men, who do honour to the age in which we live, and the most abandoned of our species have it now in their power to persecute virtue and genius, when exerted for the benefit of mankind.

The noble lord in the blue ribbon, and the hon. gentleman near him, with a curious inconsistency, are for abolishing one religious test, and substituting between them two others, for each proposes a dif-

ferent test to be added to this Bill. I am against the old test; and when we have got rid of that, my voice will never be for fresh shackles on tender consciences. I maintain the doctrine of the magistrate not having a right to interfere, except to preserve the peace and order of society, and to protect our civil rights. Are the thirty-nine articles connected as to doctrinal points with the civil duties or rights of the subject? Certainly not. Whence then can arise the right of compulsion to the subscription of them? They are even hostile to civil liberty, and therefore unfit to be imposed on the subjects of a free state. The article which enjoins the Homilies to be received as a godly and wholesome doctrine will be considered as a libel on this free constitution by every man who has read the Homily against rebellion. That Homily declares, that, for conscience sake, we must submit to a "Caligula, a Claudius, or a Nero, foolish rulers, or most cruel tyrants." Then was the Revolution unjust. Is a free-born Englishman to be called upon to subscribe a doctrine, which no man in Turkey believes or acts upon? Absurdities will in vain be preached and enjoined. In every extreme case we find Nature resumes her rights, and Justice triumphs, in one country by the bow-string, in another by the axe. All points of speculative doctrine ought to be equal to the civil magistrate. Will it be asserted that a person, who believes only in the Divine Unity, and whose religious worship is restricted to the one sole self-existent Creator, may not be as faithful a subject, as another who believes the Athanasian doctrine of the Trinity, and pays divine honours to inferior, to derived beings. They both may contribute equally to the enormous taxes, which the noble lord is year after year enforcing for this iniquitous and accursed American war. So far both ought to be held in the same estimation by our political rulers. Is a person to be deemed factious for not believing the subjection of every individual of the human race to everlasting damnation for a crime to which he was not consenting, committed before his existence? May I not hold the universality and impartiality of the divine goodness, if I live peaceably, and obey the laws of my country? Surely, Sir, a good subject may doubt that every man is of his own nature inclined to evil, and that every person born into this world deserveth God's wrath and damnation. I may be zealous for the Protestant succession in the House

of Hanover, and yet not believe that the last sweet prince of that illustrious line, the very young Octavius, had in so few days abode among us deserved God's wrath and damnation. Upon my word, Sir, the doctrine of some, who call themselves orthodox, and deal out damnation so liberally, makes an humane man tremble. Let us no longer think of imposing these, or any other, articles of faith. Experience tells us, that terrors and rewards may create temporary proselytes and hypocrites, but reason only can make a sincere convert. It is high time to proclaim religious liberty in its full extent to a people, who have long abjured the spiritual tyranny of Rome.

The hon. gentleman near the noble lord says, that he "is for the declaration against Popery, because it is a civil test, and as such it forms a clause of the Bill on our table." There is not, Sir, in that declaration a single syllable respecting the civil rights of mankind. Tenets of religion only are laid down in that declaration. The words of it are, "I do believe that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous." These, Sir, are merely controverted points of speculation, with which the magistrate is not concerned except as an individual, as a private Christian. They cannot affect the public peace or safety of the state. A Roman Catholic may believe these, or purgatory, auricular confession, extreme unction, and other doctrinal points; yet if he will take what is really a civil test, the oath prescribed by the Act of last year, that "he denies the pope, or any other foreign prince having any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within the realm, and that he will be faithful, and bear true allegiance," which the most respectable Roman Catholics have done, he then has a claim to the same civil immunities with all other subjects. I wish not to offend, but I declare that I am sorry the Roman Catholic has not the enjoyment of every franchise which is claimed by his fellow-subjects, on the same terms of allegiance, and giving the same security to the state.

Gentlemen seem surprised, but it appears to me, by that oath the Roman Catholic directly abjures the *imperium in imperio*, gives security for the public peace, and allows the magistrate all the power, which the great purposes of society confer upon him. I plead his cause, because I think it that of religious liberty, and the rights of private conscience, no less than the cause of all Protestant dissenters. I believe I may do it without suspicion; for no man, who ever continued so long at Rome and in Italy, was ever less suspected of being tainted with the errors of Popery. Religion should teach us the most refined humanity, and all her ways should be peace. The bigot is seldom the virtuous, the meek, the amiable, or the learned character.

The noble lord in the blue ribbon proposes another test, an oath of being a Christian, a Protestant, and believing the Holy Scriptures, as severally received among Protestants, to be the word of God. The same objection lies to the compulsion of this, as of any other creed, because it is acknowledging the usurped power of the magistrate. Is human authority to give the sanction of a revelation from God to books of divine inspiration? Are all Protestant churches agreed as to the canon of Holy Scripture, as to the purity of the sacred text? In the Old Testament are the Songs of Solomon universally adopted as inspired writings by all Protestants? The exquisite poetry of them will always be admired; but some sober Christians have doubted whether the spirit of godliness and true devotion was to be found in many of the luxurious wanton descriptions in the eastern style. It has been objected, that they rather suggested too sensual ideas, and that the colouring was too warm. In the New Testament, the Epistle of St. Jude has been doubted of as part of the inspired writings, from the account of Michael the archangel contending with the Devil about the body of Moses. Are our own divines universally agreed about the authenticity of all the books received as holy writ? Have no doubts been entertained by then even of the Gospel of St. Matthew, as we have it in the Greek? We find then, that this proposition of the noble lord is by no means, like his propositions for taxes, clear and precise, to subscribe the holy Scriptures, as received by Protestants, for it is not yet settled which are the canonical books. If all Protestants were agreed as to the authenticity of

the volumes, yet another difficulty would occur. Is the text in so pure a state that I am certain it was dictated by the wisest and best of beings, that it is truly the Word of God? We all know of the thirty thousand various readings in the New Testament, some of them confessedly important; and most of the bishops have encouraged a learned divine of our church, Dr. Kennicott, to examine the various manuscripts of the Old Testament, to restore the genuine reading of the Hebrew text. It is not therefore perfect, and consequently ought not to be imposed as the faultless work of the Author of every good and perfect gift. The indefatigable doctor has already discovered many thousand various readings in the Hebrew, and it will be lucky if he does not double the number of the Greek. Our classical diocesan (Dr. Lowth) candidly confesses the various imperfections, the corruptions, the perhaps wilful mistakes of copyists, the additions and interpolations of the Hebrew text, in his excellent lectures, *De sacra Poesi Hebræorum*, and in the judicious Dissertation on Isaiah; nor does he confine himself to that sublime prophet. The same remarks are made on a great variety of passages in almost all the books of the Old Testament. We ought not then to be called upon to subscribe every error of a copyist, every interpolation of an ignorant writer, as the immediate inspiration of the Holy Ghost.

The idea of imposing this test, Sir, the noble lord, probably as a complaisant chancellor, has adopted from the petition of the University of Oxford. Their conduct has been uniform, to abridge, on every occasion, as far as they could, both religious and civil liberty. The noble lord is deservedly at their head. Their sister University has more liberal and enlarged sentiments. Cambridge refused to petition against a clear right of their brethren; but Oxford perseveres in the fatal maxims of arbitrary power in church and state. The Oxford Decree of 1683 still remains unrepealed. It is entered in *perpetuam rei memoriam* in the registry of the convocation, and publicly affixed in the halls, libraries, and refectories. It not only condemns every principle which can justify the glorious Revolution, but even self-preservation, as a fundamental law of nature, is declared to be a proposition false, seditious, and impious. In 1685, the University of Oxford acknowledged, in a solemn recognition, James 2 to be sovereign,

without any restrictions or limitations. No wonder, Sir, that from this poisoned source have flowed the most polluted streams. Unconditional submission from our American brethren is naturally exacted by men who have been taught that a king of England is not a limited monarch, but a sovereign without any restrictions or limitations. It is lucky for England that all our generals and admirals were unable to enforce it in the new world. The Oxford Petition on our table expressly complains, "that the Bill does not provide that ministers and schoolmasters shall make any profession whatever of their belief in the fundamental doctrines of Christianity, or even the authority of the Holy Scriptures, and prays, that the Bill may not be permitted to pass into a law in the unlimited form it was at first proposed." What the fundamental doctrines of Christianity are, and what is the canon of the Holy Scriptures, the University left to their chancellor, and his majority in this House to determine. The Act of last year in favour of the Roman Catholics extended to "Papists, or persons professing the Popish religion, and keeping school, or taking upon themselves the education, or government, or boarding of youth;" and yet Oxford did not petition, although there was no religious test, no subscription to the Holy Scriptures imposed by that Act. The present Act is "for further relief of Protestant dissenting ministers and schoolmasters," and a test is insisted upon for our Protestant brethren. Whence this marked partiality and tenderness to the Roman Catholics? this ungenerous treatment of Protestants? Are the Roman Catholics thought so generally Tories, and the dissenters Whigs, that a political friendship at Oxford is formed with the first, and an ill-dissembled rancour seems to prevail against our Protestant brethren?

A Bill similar to this passed the Irish parliament in 1719, a critical period, in which religious toleration was not so well understood as at present. The peace of our neighbouring kingdom was not endangered by that relief given to a worthy body of men, nor in a course of 60 years has the least inconvenience been suggested for an attempt at its repeal. Here then is a forcible argument from fact, that all the imaginary mischiefs suggested by gentlemen against the church of England, as being again in danger from the Bill, deserve no attention. This Bill can affect

neither the existence nor the prosperity of the church. It leaves all archbishopricks, bishopricks, fat deaneries, and golden prebends, to their lucky possessors. It only secures the Dissenters from persecution. They do not ask for the fabric of a single silver shrine of Diana. They acquiesce under the state patent granted to others.

Sir, I contend for the most general and unlimited toleration, and I wish the Bill still more extended, to take in all sects and all religions. An universal toleration might, in a good degree, answer the important purposes of a general naturalization Bill. It might recruit this unpeopled and impoverished empire. After the infinite drains of this American war, the prodigious waste of blood and treasure, and we are still bleeding at every vein, it might call under the mild protection of our laws numberless inhabitants from every part of the world. It might pour fresh vigour into a weak and feeble nation, nearly exhausted, and almost sinking under a variety of oppressions. The wisest prince in Europe has found this theory confirmed by a long happy experience. The king of Prussia has said, "*Le faux zèle est un tyran qui dépeuple les provinces. La tolérance est une tendre mère qui les rend florissantes.*" Holland owes its rank among the first states of Europe to one single circumstance, civil and religious liberty flourishing so greatly in the united provinces. By this she has arisen to an amazing height of power in the worst climate, and under every natural disadvantage. In a commercial light let us be instructed by the wary Hollander, that the direct road to population and wealth, is entire security, and freedom of private judgment, to every peaceable inhabitant. I have observed in some parts of Europe, that divine service to the same Deity is performed in the same church by the Roman Catholics in the morning, and the Protestants in the evening, and that they live together in perfect harmony. Surely then, Sir, Protestants of all denominations might be on equal terms of good will and charity to each other. "Peace on earth and good will towards men," are the best political maxims for society; and if we go further, we are told that "the tares should be suffered to grow with the wheat till the harvest."

The progress of knowledge in almost every nation has softened the rigour of their laws respecting religious worship, or

at least has, in a degree, suspended their execution, Scotland alone excepted. Some have adopted a general principle of toleration. France has a Protestant at the head of her finances. The last diet of Sweden, by the unanimous consent of all the orders, granted a full toleration. Even the clergy preached it as sound doctrine no less of the church than of the state. I hope a spirit of wisdom will govern this House, and make us embrace the present auspicious moment of convincing all foreign nations, that this island will be the asylum of persecuted religion and virtue. Among our greatest glories let it be recorded, that every foreigner as well as native here, in full security, enjoys all the natural rights of mankind, and the inestimable privileges of civil and religious liberty, unclogged by penal tests. This Bill, supposing it to pass without the tests, is laying a solid foundation, on which a fair superstructure may be raised, and therefore I give it my hearty support.

The Committee divided on the amendment; Ayes 88: Noes 58.

The Committee then went through the Bill, paragraph by paragraph, and adjourned.

April 28. The report from the Committee on the Dissenters Bill was brought up.

Mr. Dunning was against any test, and maintained that the enjoyment of any right, civil or religious, in a free government, ought not to be clogged with restrictions; that government having secured the established religion of the country by law, and confined the honours and emoluments of the church to the ministers of that religion, all dissenters from it, while they behaved themselves as loyal subjects, ought to enjoy their own religious opinions without restraint, as a common right belonging to them by the nature of the constitution itself. He declared, that many of the Protestant dissenting ministers had authorized him to give their reasons against signing the proposed declaration. He then read a paper, containing amongst other things, the distinguishing tenet by which Protestant Dissenters are known throughout Europe, which is, that they deny the authority of the civil magistrate in matters of religion, and therefore they cannot consistently sign a test which admits of that authority. On this ground he said he was apprehensive the Bill with the declaration might do

mischief; for those who could not sign it would be liable to the penal statutes still in force; and if one single prosecution arose in consequence of this, instead of being a Bill for the relief of Protestant dissenting ministers and teachers, it would be an Act for oppressing them. If therefore the declaration was agreed to, he should vote against the Bill.

Mr. *Goodricke* expatiated on the necessity and sound policy of freedom in religion; there ought to be no tie upon men's professions of faith; and as to the interpretation of Scripture, or the will of God, that was all vague; for tenets of every kind had been broached as scripture doctrine.

Sir H. Hoghton, Mr. Montagu, sir G. Yonge, Mr. Rous, sir G. Savile, and Mr. Turner, spoke against the Declaration.

Lord *North* defended it, and said he was well apprized that the greatest part of the dissenting ministers would not unwillingly sign it; and the few who did not must be well convinced they never would be molested. It was not the spirit of the times. In no part of administration was there any disposition to trouble men for their religious opinions. The bench of bishops, and particularly the head of the church, was a man of a different opinion. On this account, and as no instance could be produced in this reign of any Dissenter being molested, he was astonished at the bringing in of such a Bill at this time; but as they had thought proper to do it, he had proposed a declaration, which no man who was a Christian and a Protestant Dissenter, could refuse to sign. As to Deists, and persons denying the Trinity, or professing other singular religious opinions, not being either Christians or Protestants, the Bill had nothing to do with them. But certainly the state had a right to guard against authorizing men, by authority of parliament, to be teachers of their notions; this was a matter of great importance; he should, therefore, vote for the Declaration.

Mr. *Rous* said, the conscientious man was the only man who would be injured by the Declaration; for, not being able to sign it, he would remain open to persecution, and the power of persecution would remain, though the liberal disposition of our present rulers might prevent the exercise of it.

On a division, the Declaration was carried by 95 against 59.

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April 30. The Bill was read a third time, and passed the Commons. It was carried through the House of Lords without debate; and on the 18th of May received the royal assent.

Petition of the Roman Catholics of Scotland for Relief.] March 18. Mr. *Burke* said he had a Petition from several of his Majesty's Roman Catholic subjects of North Britain to present to the House.

Lord *North*, by his Majesty's command, acquainted the House, that his Majesty, having been informed of the contents of the said Petition, recommends it to the consideration of the House. Then the Petition was brought up and read, setting forth,

"That we, your petitioners, the Roman Catholics residing in the cities of Edinburgh and Glasgow, beg leave, with the most profound respect and deference, to lay before this honourable House the treatment we have lately met with from the fury of a misguided populace, and to implore that redress and protection which we are persuaded this honourable House will think that our wrongs require, and which the known justice and humanity of the British legislature give us ground to expect: We, and the rest of our brethren in Scotland, have, for a long series of years, endeavoured, by our inoffensive and dutiful conduct, to approve ourselves harmless and useful subjects of the British empire; and were ready to embrace, with pleasure, every opportunity of serving our country, though at the expence of our lives and fortunes: encouraged by the spirit of humanity and toleration, which we had reason to believe distinguished an enlightened and liberal age, and having immediately in our view the late relaxation of the penal laws against our fellow subjects the Roman Catholics of England, we ventured to hope that the same indulgence might, at least in some respect, be shewn to us; and we flattered ourselves, that our loyal and submissive behaviour upon that occasion, and our willingness to have our relief postponed when the Bill was brought in for the relief of the Roman Catholics of England, did, in some degree, intitle us to it: conscious of the justice of our hopes, and of the innocence of our conduct, we beheld with concern, that the very circumstance of our humility and duty in postponing our relief, instead of reconciling the minds of some mistaken persons to us, was made use of

[Y]

to exasperate the lower people into dispositions of great violence: the public papers were filled with the most virulent and inflammatory advertisements; pamphlets were published and dispersed every where among the populace, representing us, in the most unjust and odious colours, as enemies to society, and unworthy of being allowed an existence; invitations were sent throughout all Scotland, encouraging the people to join all their interest and purses to oppose all attempts to allow us the smallest part of the rights of subjects: the consequences of all this were such as might be expected; the common people were every where stirred up to the utmost rage and fury against us, and the public papers were daily filled with resolutions of boroughs, incorporations, societies, parishes, &c. from several parts of Scotland, strenuously to oppose any attempt that might be made in parliament to do any thing in our favour; we, on our part, considering the spirit which had by such unjustifiable arts been raised against us, and the seditious tendency of many of those means which had been used to inflame the people, and dreading the consequences of their enthusiastic fury, if raised to a certain point, did, of our own accord, cheerfully give up every thought of applying to parliament while that ferment lasted, choosing rather to postpone our own ease to some more quiet time, than to endanger the peace of our country; and this our resolution was, immediately, in the most dutiful manner, signified to the proper officer of state: we hoped, that this convincing proof, the greatest that could be given of our submission to government, and our peaceable disposition, if it did not reconcile the people to us, would at least put an end to those animosities which their groundless apprehensions had raised against us; but in this we were greatly mistaken: the enthusiastic fury which had been excited in their minds was got to such a height, that they seemed to be but the more obstinately bent on our destruction; the minds of the populace in Edinburgh and Glasgow continuing irritated against us, and this irritation being kept up by art, a most violent tumult arose; the multitude, notwithstanding the endeavours of the magistrates of both these cities, proceeded to the greatest extremities, plundered our effects, burned and destroyed our houses, insulted our persons, and even threatened the lives of several had they fallen into their hands: we

do not wish to exaggerate any part of their disorders, or of our sufferings, or even to expose at large to this honourable House what we wish we could with safety to ourselves bury in eternal oblivion. In these distressing circumstances, to whom can we fly for relief and protection, but to the justice and humanity of parliament? By the severity of the laws against us we are in a great measure precluded from all legal redress, and on that account inferior courts have it not in their power to help us; it is the legislature alone that can protect us, and it is from their goodness alone that we expect to be protected; but, while we throw ourselves with confidence upon the mercy of parliament, we beg leave, with the most profound submission, to make the nature of our request fully known to this most respectable body: in the first place, we are far, very far, from entertaining a resentment against any one whatsoever, or from desiring that any person should be called to account, much less should be punished for the injury done to us: we forgive from the bottom of our hearts; and, should any person be taken into custody, or prosecuted upon our account, if we were worthy to be heard we should presume to petition in the most earnest manner for his pardon: this we declare, not from a consciousness of having done any thing that could deserve the cruel treatment we have met with, our conscience is perfectly clear as to that, our behaviour has been blameless both as subjects and citizens, and we challenge our greatest enemies, even those who have burned our houses and attempted our lives, to prove any breach of duty against us in either respect; but we do it because it is the real disposition of our minds, dictated by reason, and enjoined by our religion: in the second place, we cheerfully lay aside all thoughts of asking any relaxation of the severe laws against us at this time: indeed we cannot help thinking it very hard, that we alone should be wholly denied that relief which has been in some degree granted to our brethren in all other parts of his Majesty's dominions: our claim to such relief is no less founded in justice than theirs; but we are sensible that, considering the present flame which is raised against us, it might disturb the peace of our country to insist upon it, and on that account alone we abstain in the present circumstances from desiring it, protesting always to this honourable House, and to the

world, that our conscience acquits us of any offence, either in opinions or actions, which can render us deserving of those laws of extreme rigour to which we submit; and that we are perfectly ready to give the most effectual proofs which the wisdom of the legislature can suggest, of our fidelity to his Majesty, and attachment to the constitution of our country: but though we abandon wholly our resentments, and even dutifully suspend our petitions for those rights of subjects to which we conceive in all humility that we are intitled, the duty of self-preservation will not suffer us to renounce all claim to every sort of protection; nor will the narrowness of our private circumstances, and the justice which several of us owe to our unhappy families now utterly ruined, permit us to relinquish our humble endeavours for compensation for our heavy losses from the equity and humanity of the public: had the severe penal laws been regularly put in execution against us, had we been legally tried and condemned to suffer for serving Almighty God as our conscience dictates, from the profound respect we bear to the laws of our country, we should have borne our hard lot with patience, as we already have often done without complaint or murmur: but we cannot help thinking it extremely hard to be exposed to the fury of a lawless multitude, without the smallest provocation on our parts, and to be so cruelly and inhumanely treated by them, without any form of trial, without being heard, examined, and legally condemned. What therefore we most humbly, and with the most profound submission, venture to request is, that this honourable House, taking our case into consideration, would be graciously pleased, in such a manner as they see fit, to find means of compensation to persons utterly unable to bear them, for the heavy losses we have so unjustly sustained; and, seeing that we must still be exposed to the same barbarous treatment from the desperate and misguided zeal of the same furious people, if some effectual protection be not given to us, that this honourable House would further be pleased to provide, for our future safety, that, until the laws can be coolly reconsidered, our persons and property may have some security from such lawless outrages for the time to come, by taking such measures as they shall judge most adequate to that end. We most humbly beg leave to assure this honourable House,

that this our earnest request for protection is not made without the strongest reason; for the same unprovoked enemies, who have hitherto persecuted us in so cruel a manner, far from being satisfied with their late success, have made it a ground for further violence; those who have never threatened us, without executing their menaces, have published and dispersed a sort of manifesto, calling upon all orders of people strictly to enforce the execution of the most sanguinary laws upon us, denying the authority of parliament to repeal those laws, or any other laws made before the Union, threatening the magistrates with the same violence which they have employed against your petitioners, if they do not cause them to be executed, representing those means of banishing and putting to death your petitioners, as their rights and privileges, and proposing associations against buying or selling, borrowing or lending, or having any of the ordinary intercourse of society with those of our religion, and threatening to proceed against all who shall refuse to join them in those measures, as if they were Papists, and they have, in their late violent attempts against some of the most respectable characters in the established church of Scotland, shewn how far they are capable of acting against such as discover any degree of moderation in their sentiments: in a word, nothing can be more deplorable, and (without the effectual aid of the legislature) more hopeless, than our condition. We humbly presume, that this our request will appear neither disrespectful nor unreasonable to this honourable House, and we hope the justice and humanity of that respectable body, whose favourite and noblest prerogative is to be the protectors of the injured, and the defenders of the rights of that people whom they represent, will be graciously pleased to take us into their protection, who have nothing more at heart than to demean ourselves as dutiful subjects and good citizens, and who, by our loyalty to our prince, and by our innocent and submissive behaviour, will make it our constant endeavour to merit their favour and approbation."

Mr. *Burke* moved that the said petition be referred to a committee. He shewed the absurdity of the arguments used by the Scotch, in justifying their violent conduct, and exposed the supineness of government upon the attacks of the Scotch rioters on the peace and property of his

Majesty's popish subjects in that part of the empire. He hoped that government was not dead, but only asleep. At this moment he looked directly at lord North, who was asleep, and said, in the Scripture phrase, "Brother Lazarus is not dead, but sleepeth." The laugh upon this occasion was not more loud on one side of the House, than on the other. Even the noble lord alluded to seemed to enjoy the allusion as heartily as the rest of the House, as soon as he was sufficiently awake to understand the cause of the joke.

Lord *Beauchamp* was for granting the request of the petitioners.

Lord *George Gordon* spoke against the expediency of giving toleration to the Roman Catholics of Scotland, equal to that allowed to the same sect in England and Ireland.

Mr. *Fox* said the Roman Catholics of Scotland were not only entitled to compensation for their losses, but that it became the honour and humanity, as well as the dignity of parliament, to repeal the penal laws against them, and not be deterred by little insurrections in a small corner of their empire, from doing an act of common justice.

Lord *North* declared, that he thought compensation should be made, and would be most ready at any time to give his support to such a measure, if he were not decidedly of opinion, that voluntary compensation was infinitely more eligible than that which was compulsory. He had been well informed, that due recompense was intended to be made by the magistrates of the districts in which the mischiefs were committed; he thought it prudent to defer any further proceeding in the business, till the result of their measures should be known; he therefore thought it best to move the previous question.

The previous question was then put, and carried without a division; after which the petition was ordered to lie upon the table.

The King's Message respecting the Financial Distresses of Ireland.] March 19. Lord *North* presented the following Message from his Majesty:

"G. R.

"His Majesty having received information from the earl of Buckinghamshire, his lieutenant-general and general-governor of his kingdom of Ireland, that the revenues of that kingdom have, of late, proved greatly deficient and inadequate to

the purposes for which they were granted; and his Majesty, moved with concern and compassion for the distresses of his loyal and faithful subjects of that kingdom, and being anxious that some immediate and effectual relief should be afforded to them, thinks it necessary to recommend to the consideration of this House, whether it may not be proper, in the present circumstances of Ireland, that the whole charge of the regiments on the Irish establishment, now serving out of that kingdom, should be paid by Great Britain."

The Message was referred to the committee of supply.

Debate in the Commons on a Motion for Printing the Army Estimates.] March 22.

Sir *P. J. Clerke* observed that the extraordinaries of the army amounted, according to the estimate then on the table, to the immense sum of upwards of two millions, which was one million more than they had ever cost in any preceding year of the last or present war, although in 1777 there was another army to maintain. This called for the most serious consideration of the House, and it was impossible for any number of gentlemen to peruse the paper on the table with proper attention, he presumed, if only that single copy lay before the House; not half the members would know any thing about a matter of so much importance when the House proceeded to debate upon it. He contended that the matter concerned the public at large, those without doors as well as within, and therefore he moved, That the account of the extraordinaries of the army be printed for the use of the members.

Lord *North* opposed the motion as a matter totally unprecedented. He said it was so contrary to the practice of the House, that he could not by any means agree to it. The hon. gentleman had said the estimate was a matter which concerned the public: it was very true it did, but he could never allow that if by the public the hon. gentleman meant the populace, the readers of news-papers and coffee-house readers, that they had a right to see it. The real public, the representatives of the Commons of England, the members of that House, he owned had, but he declared he never would give up the point that people without doors had any right to see it before it appeared on the Journals of the House. He stated also that the hon. gentleman was wrong in his asser-

tion, that the extraordinaries amounted to more than ever they had amounted to in any years of the last war.

Col. *Barré* supported the motion, and declared that the enormous account of the extraordinaries of the army for 1778, was a most alarming circumstance, and did as materially concern those without the House, as those who had a seat in parliament. The noble lord had thought proper to call the people of England, the populace, coffee-house readers—in a word, any thing but the mob, which was the term he doubted not the noble lord meant to have used. He begged the noble lord to consider, that those people, so termed coffee-house readers, were the identical persons who paid for the extraordinaries of the army, and that therefore they were at least entitled to know how their money was expended. The colonel said, that the extraordinaries of 1778, amounted to very near 40*l.* a man throughout the army, and that such an enormous expence was incurred in a year, remarkable for its ill success; a year in which nothing had been done, and in which this country had fewer soldiers to maintain in America, than she ever had before. The noble lord had said that the expence of the extraordinaries of the army had been larger in the course of the late war; he begged to know in what year?

Lord *North* said, that not expecting any such motion, he had not come down to the House prepared as to the years, but as well as his memory would serve him on a sudden, he should suppose 1761 or 1762. His lordship mentioned the vast distance of the field of action from this country, and that he was under the necessity of answering the drafts upon him when they came, as a degree of confidence must be placed by government in those who were entrusted with the care of the army. He could not answer for the specific application of the extraordinaries, but he did not at all doubt they were properly applied. He again objected to printing the estimates, but acknowledged that parliament had a right to know how the public money was expended.

Col. *Barré* urged the impossibility of investigating the account properly from the paper on the table; the account itself was written on thirty-six sheets of paper, and its contents were extremely intricate. He had himself, as he interested himself more in matters respecting the army than most gentlemen, come down to

the House on the 20th, with a view to obtain a perusal of the paper in question, in order to examine it; he could not get a sight of it, the clerks being at that time employed in making four copies of it for the War-office.

Lord *Newhaven* said, it was the constant parliamentary practice in Ireland, in all matters of estimate and account, to print the accounts in question, and when the business came under parliamentary debate, for each gentleman to hold the printed paper in his hand, and check it article by article, as it was examined.

Mr. *Fox* said, the only reason which he had heard assigned, why the motion ought not to be acceded to, was, that the requisition contained in the motion was new and unprecedented. Did the noble lord recollect that the war itself was new and unprecedented in its nature, new and unprecedented in its conduct, and new and unprecedented in its consequences, as far as they had yet appeared? Did the noble lord also recollect that his whole conduct in office, and that of his colleagues, had been new and unprecedented? Did he not see that the means of putting an end to the war must also be new and unprecedented? That it must be by some new and unprecedented exertion; a degree of vigour and spirit altogether new and unprecedented, that we could alone hope to extricate ourselves from our present alarming situation? Were these times to talk about precedent, when every day's experience shewed the necessity of our giving up idle forms, of our adopting new measures, and pursuing a line of conduct altogether unprecedented? The noble lord refused agreeing to the present motion, because the populace and the coffee-house readers, for so the noble lord had termed the whole body of the people of England, ought not in the noble lord's opinion to know any thing about the immense amount of the extraordinaries of the army in the year 1778, a year in which we had a less army than before, and a year in which it was notorious we had done less, than in any year since the commencement of the American war. The people of England, as well as those who had a seat in that House, had a material interest in the motion. They had a right to more information respecting the expence of the army; they had a right to more information respecting the conduct of the war; they had a right to more information respecting the management of their affairs. It

was impossible for them ever to have their affairs better managed, unless enquiries into the past conduct of ministers were fairly and fully gone into. This was the period to begin those enquiries; but as they could not be prosecuted without information, that information ought to be granted, and ministers, if they had any sense of shame, should blush at their repeatedly shutting up the avenues to enquiry, and keeping the public in a state of blindness, as to their own business, and what most immediately concerned their nearest and dearest interests.

The House divided; For the motion, 104; Against it, 130.

Debate on Mr. Fox's Motion of Censure on Administration, for not sending out Reinforcements to Lord Howe at New-York.] March 22. On the order of the day being read,

Mr. Fox rose. He began with observing, that possibly the resolution he should have the honour of proposing to the House, would, by the noble lord in the blue-ribbon, be called a strange one; for so he observed it was the fashion with the noble lord to term every motion which was proposed from that side of the House, and which did not immediately meet the wishes of the noble lord. He should nevertheless proceed to open his motion, or rather his two motions, to the House; for he had two to propose, and which, as they in a manner depended upon each other, he had thought it right to propose and speak to on the same day; at the same time assuring the House that he meant not to trouble them with any other motion till after the holidays, when he should offer one more, which would generally refer to all that he had already had the honour of moving in that House. He observed, that he had made several propositions, stating that our navy was not adequate to the necessary services, from time to time; which had been negatived, on the grounds stated by the King's servants, that we had 35 ships ready for actual service in November 1777, and seven in a state of preparation so as to be ready for sea in a fortnight, and that in June 1778, our naval force was such as to be adequate to all the services required. He had made a motion directly the reverse, but the opinion of the House was against him. His present motion would be engratified on this negative, which he knew to be false, viz. "That our navy in the month of June last was adequate to

the important crisis." This being the ground of his first motion, and of his second, it would be productive of this dilemma: that our force having been adequate, and not properly employed, administration were deserving of censure; or, if inadequate, that then it must follow of course, that the House, in putting a negative on his motion, had resolved what could not be supported either by fact or reason.

His first motion, he said, was, that the not sending a reinforcement to lord Howe at New-York sooner last year, was a gross piece of misconduct and neglect in his Majesty's servants: his second, that the not sending a fleet to the Mediterranean last year was a piece of gross misconduct, &c. The two propositions were substantially, he said, the same, though directed to two different objects; because, if lord Howe had been reinforced, or the Streights of Gibraltar watched, in either event the effect would be similar; that of securing to lord Howe the full advantage of the force under his command, or giving him a superiority in case the Toulon squadron was permitted to cross the ocean. Here then the alternative was, that either our naval force was adequate in the months of February, March, &c. to these services, or it was not; if adequate, the not reinforcing of lord Howe was, in the terms of his motion, a gross piece of misconduct and neglect: if inadequate, which he had no doubt was the fact, the censure contained in his motion was equally well merited.

Having surrounded ministers with this dilemma, from which he contended it was impossible to extricate them, he proceeded to explain what he deemed to be the true point at issue, from what had fallen from gentlemen within doors, and from what he had heard in conversations without; that some independent part of the House voted with administration, not because they believed the force adequate, but upon motives of conscience and justice. Said they, "We have brought ministers into a dirty lane; we have encouraged them to prosecute the American war; let us bring them through, and not basely desert them in the moment of distress, occasioned by measures of which we have been the authors." This mode of reasoning, he said, was apparently mistaken, and the motives misconceived; they had not brought ministers into the American war, but ministers had led them into it by misrepresentations of all kinds, by promises broken as often as they were made, by false hopes,

false fears, and by every species of political delusion. He then made a particular application of the whole of the measures respecting the American war, the promise of a revenue, of obtaining unconditional submission, and finally, with giving up every object contended for at the outset, and promised in the future progress of the business. He charged the noble lord in the blue ribbon with an act of public perfidy, with a breach of a solemn specific promise. He reminded the House, that in February 1775, his lordship moved his Conciliatory Proposition, and pledged his honour to the House and nation, that he would never agree to any measure which would go to enlarge the offers therein made; yet, at the end of three years, after sacrificing thirty millions of money, and 30,000 lives, his lordship, in the same assembly, not only solemnly renounced all claim to superiority, revenue, and internal legislation, but consented, by the mouth of his commissioners, to the giving up the monopoly of the American trade, the appointment of governors, and all subordinate officers, and the royal prerogative of keeping up or sending an army in any part of the empire his Majesty might think proper. From this state of facts he drew this conclusion; that ministers led the parliament into the war, and had broke the promises which induced parliament to adopt the measure; that the motion, as stated by him, involved a dilemma which incontrovertibly proved the charge of misconduct and neglect, and of course, that those gentlemen who voted upon independent principles were neither bound by previous engagements, subsequent measures, nor any obligation of honour, to vote against their conscience and conviction.

He then animadverted on the conduct of the noble lord, whose arrogance, he said, was unpardonable. His unreserved contempt of the whole body of the people of England, without doors, was no less indecent than ungenerous. To treat his best benefactors in so haughty a stile as to lump them indiscriminately under the appellations of populace, and coffee-house readers (See p. 328.) was a language that did not become any member of that House, much less a minister, who, to be able to serve his country should always endeavour to be popular, and secure the good opinion of the people in his favour; much less, a minister who had led them by the arts of specious delusions into those dirty ways,

which it would be very difficult to wade through, without the utmost danger from surrounding perils. He presumed, the noble lord included every person who differed with him under the contemptuous description of populace and coffee-house readers; but he begged leave to remind his lordship, that his former motion was supported by 174 independent members, while those who voted with him were either persons who, from their situations, were in a great measure obliged to support him, or were composed of those gentlemen who erroneously imagined that they were bound in honour to get him through a dirty lane, into which his lordship—not they—had led the way.

Speaking of the present ministers in general, he said, that they were so lost to every sense of shame, that they exerted their influence in that House in a manner equally disgraceful to themselves, and to those who supported them. Their arguments in controversion of his late motions—motions which were founded on indisputable facts, and facts, which were admitted every where but within those walls—reminded him of what he had once read in a book written by a man of acknowledged abilities, though his principles were not much admired. The writer he alluded to was Mr. Hobbes, who in one of his prefaces speaking of the powerful operation of self-interest in all matters of controversy, said that there were men who for the sake of argument, when upon that argument depended their emolument, would strenuously contend that three angles of a triangle were not equal to two right angles, and that sooner than give up their interest they would give up their reason, and hold arguments directly repugnant to every principle of reason or common sense. He applied this quotation to the conduct of ministers and their adherents.

He declared, that his motion warranted a great deal more of argument than he had used, but as he had taken up the time of the House, perhaps too much of late, and as in the discussion of the several motions he had the honour to offer within the course of the last four weeks, the substance of his present motion, and of every thing which referred to it, had been introduced into debate, he would no longer trespass on the patience of gentlemen or mis-spense the time of the House. He therefore read his motion, "That the not sending any reinforcement to lord Howe before the month of June last, was

an instance of neglect and misconduct in his Majesty's servants." His other motion, which he also read, was "That the not sending a fleet to the Mediterranean, was an instance of misconduct and neglect in the King's servants, especially considering the early intelligence they had of the equipment of the Toulon fleet."

Lord *Mulgrave* confined himself to prove, that the navy in November, 1777, was equal to what had been stated by a noble lord in the other House (*Sandwich*) that we had at that time 35 ships actually ready for sea, and 7 more which would be ready, not in a fortnight, but in a few days; and that in March we had 6 more, in all 48. He read a list of the ships, some of which he said were afterwards under considerable repair. His lordship added, that 2 ships were sent to reinforce lord Howe before admiral Byron sailed.

Lord *North* began with observing, that the hon. gentleman had said, he should deem his motion a strange one; the hon. gentleman certainly knew what epithet best applied to his motion, and he was free to say, that having heard it, he was of the hon. gentleman's opinion; it was a strange motion, but the mode of supporting it was still more strange; the hon. gentleman resting it altogether on facts, which he declared, he not only did not believe, but which he knew to be false. He said he does not believe our fleet was equal to the several services, and yet he desires the House to pass a vote of censure on the King's servants, for neglecting to employ a force, which he asserts himself, was not in existence. He did not believe that we had half the ships which appeared upon paper; yet he now wanted to pass a censure for abandoning the home defence. These were ideas very different from those of an hon. admiral (*Keppel*) whom he did now not see in his place. That gentleman, a few nights since, gave it as his opinion, that it would not be prudent to detach in the then situation of affairs; besides, if the hon. gentleman meant to carry both motions, they substantially contradicted each other; for if admiral Byron had been sent to Gibraltar or America, both measures could not be necessary: if D'Estaing had been kept within the Mediterranean, lord Howe would not have wanted a reinforcement; if, on the other hand, a reinforcement had been sent to America, there would have been no occasion for a squadron in the Mediterranean.

His lordship attacked Mr. Fox upon his

personal allusions. He charged the hon. gentleman with falsehood and misrepresentation. He denied that he had ever pledged his honour, that he would never go further in his concessions than the terms of the conciliatory motion of 1775; and though he had, he contended that he, as well as every other person, was fairly at liberty to alter his opinion upon a change of circumstances. The conduct of France had brought about that change; and he was fully justified in accommodating his conduct to the existing circumstances and exigencies of public affairs. His lordship observed, that the hon. gentleman came into the House totally unprepared; and if he had not fortunately caught an expression of his, which had inadvertently fallen in the heat of debate, relative to the populace and coffee-house readers, he must have trusted the fate of his motion to chance. His speech called to his recollection those charts he had seen of desert and uninhabited countries, where the geographer is obliged to fill up the void spaces with the representations of elephants and other wild beasts; and his now giving notice that he would, after the holidays, consolidate all his motions into one, brought strongly, he said, to his memory, two lines of Mr. Pope:

"Destroy his fib or sophistry in vain,

"The creature's at his dirty work again."

His lordship said he did not mean to apply this couplet in the offensive sense of the words to the hon. gentleman; by fib he meant mistaken or false facts; in short, he cited the poet only to shew the hon. gentleman's industry and ingenuity in fashioning the same thing into so many forms. In answer to the quotation from *Hobbes*, his lordship said, that there were persons who would, under such an influence as that supposed, contend that a triangle might be so formed as to contain two right angles.

Mr. *Vyner* said, he supported ministry, because he hoped they would pursue the war with vigour. That in the course of last summer he was particularly pleased with an expression which he had met with in a newspaper, wherein it was stated, that the French complained of the ravages which the English privateers made in their trade, and termed those enterprising vessels, "les loups de mer." The idea exactly met his wishes, as to the maritime character of Great Britain; and he hoped we should continue to deserve it from all the world, as well as France. He said, great

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inconvenience must attend a change of ministry, at this crisis, when large fleets were going out, and important expeditions begun; for if new ministers came, new measures would be adopted, which he thought would be highly improper in our present circumstances, when all that was wanting to ensure success, was exertion, spirit, and alacrity of execution. He saw clearly, that the hon. gentleman who made the motion, was the minister on that side the House, and therefore he would tell him fairly upon what condition he should have his support, whenever he came into office. The condition was, that he would retract two thirds of all he had ever said since he had been in opposition, and disavow every one of his present political principles.

Mr. Burke took the hon. gentleman at his word, and said he did not at all wonder at his warmly supporting the present ministry, whose conduct so directly met his political opinions, for that it was the great characteristic of the noble lord in the blue ribbon, and his adherents, to eat their words, and to renounce their principles. Having made the most of this turn, Mr. Burke went into an argument of refutation of all that had fallen from lords North and Mulgrave; he particularly attacked the former noble lord's quotation, and said, that it rather applied to the conduct of ministry, than to the conduct of his hon. friend who made the motion; that it seemed to be the favourite plan of administration, to remove towns, in order to place elephants in their room; that they had burnt Norfolk, had burnt Old Falmouth, had burnt Esopus, and meant to have burnt Charles-town, merely to make room for the stables in which the noble lord's elephants were to be placed. That the noble lord's reply, in answer to his hon. friend's quotation, respecting the equality of three angles of a triangle to two right angles, was a mere *tu quoque*, the most pitiful reply that could be adverted to in controversy.

He then confirmed, by a variety of references to facts, that the noble lord had not only broke his word to that House in every single promise he gave, but likewise to the only dutiful province in America, that of Nova Scotia, which closed in with the offer made in the conciliatory proposition of 1775. They had in their legislative capacity accepted of the resolution; they had petitioned parliament. Parliament had taken their case into considera-

tion, and proceeded so far as to come to resolutions for the purpose of bringing in a Bill. A Bill was actually ordered to be brought in; but was afterwards never heard of. Thus, whether parliament, or the people of Nova Scotia were concerned, the noble lord in the blue ribbon, in the language of his hon. friend, had acted with perfidy and deceit. How, then, was it possible for America to trust to the assurances of such a man, or any promises or engagements made by an assembly, whose deliberations he was presumed to sway and direct? To the parliament of Great Britain he had pledged himself upon his honour never to grant broader concessions than those contained in his conciliatory proposition. To the council and representatives of the province of Nova Scotia he held out the same proposition, as the basis of all future political connection between the province and the parent state. On the whole, his lordship had forfeited his word with the British parliament. He had offered to the 13 United States what they refused to accept of; and had refused to grant to the loyal province of Nova Scotia what he offered, and they were willing and immediately ready to accept of.

He laughed at the hon. gentleman's mention of the exertion and vigour of ministry, ridiculing lord North's personal character of indolence, which, he said, was to be taken as the barometer of ministerial exertion and ministerial vigour. He declared, that so far from aiming at the places of the present ministry, he knew not one gentleman on his side of the House who acted on so mean and mercenary a principle; that, in fact, administration had brought the country into so disgraceful and desperate a situation, that their places were not worth accepting, and were places of great danger. He concluded his speech with giving his hearty assent to the motion.

Mr. Dundas began with saying, that if it was fair for opposition to impute charges of criminality, and charges of deserving censure, to ministers, it was equally fair for him to impute similar charges to opposition; that opposition rested their charges merely on unproved assertion; that, on the contrary, the defence of ministry was founded on well-ascertained facts; that our success, since the commencement of hostilities with France, was an ample justification of their conduct; that the trade of France was almost ruined, by our repeated captures of their merchantmen; that the capture of St. Lucia was an undeniable proof

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of the activity of ministry, and the secrecy of their operations; that he was last year one of those who had differed greatly from ministry in opinion, respecting the measure of sending out commissioners to America; that he then thought it exceedingly wrong to make any further concession; he was now, however, ready to acknowledge, that the ministry acted most wisely in that respect; the measure was highly necessary, and the event of it shewed, that it was highly expedient and useful. That single occurrence had reconciled many jarring opinions, and united most men in one sentiment respecting America; the argument that they were fighting for freedom would no longer hold; it was now evident, that there was a settled disgust against this country in America; that the Americans wished to separate from any connection with us, and would go any lengths to effect such a separation. When France made her treaty known by the rescript delivered to lord Weymouth by the marquis de Noailles, he was perfectly convinced France did not imagine we should commence hostilities against her, but had been induced to believe that this country was tired of the American war, and would be glad of any pretence for abandoning it, and acknowledging the independency of those colonies who called themselves the United States. France had seen the difference, and he did not doubt she was heartily sick of her treaty; if she were not, a vigorous continuance of operations against her and against America, would make both the one and the other wish for a dissolution of their treaty. America at present owed more than she could pay. Her debt was enormous. The present ministry were almost sure of success, if they pursued the American war with vigour, which he hoped was their design, and in that case he scrupled not to declare, that they deserved the support of every good subject. With regard to the present motion, it would be right, before any gentleman gave his vote either for or against it, to recollect the precise dates of the various transactions to which it referred, a circumstance that had not been adverted to in the early part of the debate. He then pointed out the days of the month, and the months in which M. D'Estaing sailed; in which the orders were sent out to Philadelphia; in which lord Howe sailed from Sandy Hook in pursuit of M. D'Estaing, and in which admiral Byron was dispatched to follow

D'Estaing, inferring from the whole, that the present ministers had acted with a proper degree of caution, activity, and vigour.

Lord Howe said, that notwithstanding the delicacy of his situation respecting the present question, and the embarrassment which he must necessarily feel in speaking to a matter which so nearly concerned himself, he could not sit silent after what had fallen from the hon. gentleman who spoke last, and the noble lord who had a seat at the Admiralty-board. The noble lord had said, that two ships had been sent out to him, previous to the sailing of admiral Byron to America. It was very true, two ships were sent out, but not as a reinforcement; on the contrary, the ships were sent out with express orders to him to send them back; the one of them brought the commissioners, and the orders respecting that ship were, if the commissioners found it necessary to stay but a short time in America, they were to come back in the ship that brought them; if they thought it proper for them to continue in the country, another ship was to be sent home immediately, of the same size and number of guns; and the same directions were given respecting the other ship; so that his fleet was not in the least reinforced by the two ships mentioned by the noble lord. When Philadelphia was evacuated, and he was sailing down the Delaware, he was met by a packet from England, which brought him advice of the destination of the fleet of D'Estaing, and fresh instructions: the packet also told him, that she had within a fortnight been chased for two days by the French fleet, so that they could not be far off Sandy Hook; at that time he was preparing to comply with some orders he had lately received, to dispatch all his fleet but three ships on an expedition to the West Indies. He was left entirely in doubt, between his old and his new instructions, the latter not correcting or contradicting the former; the circumstances of affairs, however, induced him to consider the situation of the army, and to collect all the maritime force in those seas, to prepare both for his defence and for an attack on M. D'Estaing, in case such a matter appeared either from the situation of the French fleet, or from circumstances, advisable. He said, that had the French fleet got to Sandy-Hook, all the naval force that England could send out, could not have saved the army, who must have been starved, as the victuallers could not

in that case have reached the port of New York, and the supplies would have been effectually cut off. He mentioned the arrival of one of admiral Byron's fleet, which brought him information, that the fleet was destined to New York, although his last instructions gave him to understand that admiral Byron's fleet were to rendezvous at Halifax. His lordship complained greatly of the treatment which he had experienced at the hands of the first lord of the Admiralty, and of the attacks on his character which had been made in the newspapers, and which he had no doubt were encouraged by those in power. He was aware that newspaper writers were generally held in contempt; but he begged leave to observe, that an officer's fame was easily sullied, and that it was a principle in mathematics, that the smallest individual atom of matter might affect the motion of a large and powerful body. He conceived, where officers, even if they had erred, had only erred in judgment respecting trifles, and had not been guilty of any fault essentially mischievous or detrimental to the general welfare of the state, it was the duty of ministers to support them, and bear them through against every attack. He concluded with asserting, that a reinforcement of five or seven ships, ought at any rate to have been sent him as soon as the equipment of the Toulon fleet was known; that had it not been for the providential circumstance of D'Estaing's squadron being injured by a storm, and the safe arrival of the packet which brought him the news of the destination of the Toulon fleet, and enabled him to make some sort of preparation, both the fleet and army must have fallen sacrifices; for these reasons his lordship said he should vote for the motion.

Governor *Johnstone* said, that until he had heard an hon. admiral (Keppel) in his place, upon a former debate declare, "That after administration had received intelligence concerning the destination of the Toulon squadron, he, the admiral, was of opinion, that the ministers had done every thing in their power to assist lord Howe; that they had not force sufficient to send a fleet to the Mediterranean; that besides, it would have been too late to stop the Toulon squadron at the Streights mouth, after intelligence had been received of their sailing; and to have sent off a squadron for North America, before it was evident, from the course D'Estaing held, that he was bound to North America,

would have been equally wrong and imprudent; and that from the moment the frigates arrived, marking D'Estaing's destination, every dispatch was used in sending admiral Byron, and therefore respecting that transaction he could not blame them."

He then proceeded thus: I say, before I heard this opinion solemnly delivered by so able an officer, who was then at the head of the fleet, and who was probably consulted, I never entertained a doubt that administration were highly to blame in not previously sending a reinforcement of five ships of the line to lord Howe: undoubtedly, after so respectable an authority, gentlemen ought to weigh the circumstances well before they pronounce a censure upon the conduct of ministers, who were supported by so able an opinion in the arrangements they had made. But I, who do not form my decisions on the mere opinions of others, and am not apt to change my sentiments, unless I am convinced by sound argument, do still maintain, that administration ought to have sent off five ships of the line to North America, the moment they received the intelligence that rendered it probable D'Estaing was bound there. That intelligence, added to many other circumstances, shewed to a degree of demonstration, that the Toulon squadron could be bound to no other place. Mr. Deane, the agent for the Congress, was on board; Mr. Gerard, who had signed the treaty with the American deputies, was on board; much merchandize was embarked; the fate of our own fleet and of our own army were at stake; the principal object of the war depended on preventing any bad effects which this squadron might produce in North America without a timely reinforcement, and therefore every thing called for the measure which I contend should have been adopted; for although I am far from thinking the consequences would have been so fatal as the noble lord who spoke last, and other gentlemen, have painted them in the course of the debate, or that we were totally destitute of the means of resistance, if the squadron then under the command of lord Howe had been collected, as administration had reason to suppose, yet in that case the decision would have been doubtful, and with the chance against us, and upon any unfavourable event, the blow would have been so severe, that it is not probable we should have recovered from the effects

during the war; and therefore the risk was such, that no prudent men, having the conduct of national affairs, should have hazarded the consequences, especially when they had both the means of avoiding it with certainty, and the chance of destroying the Toulon squadron. But, Sir, I will always be fair in my arguments; I impute this delay to the unjust fears that were then propagated, and are still propagated, with a view to stop the vigorous exertions of government, of the dreadful consequences in case the French should enter the Channel with a superior fleet. For my own part, I have no such dreadful apprehension from such a measure; I wish I saw them there with even four or five ships superior, I would give them this advantage to have the chance of more beneficial consequences. I remember this situation, so much dreaded, happened within my own memory. When I went first to sea, in 1744, the French got as high as Dungeness; but the exertions at that time, as we should find them again on a similar occasion, soon fitted out old guardships, hulks, and every thing capable of bearing a battery, till we were able to face them in six or eight days. The enemy escaped by mismanagement; but in case they had come to an engagement then, or shall ever venture a battle hereafter in the Channel, let it be remembered, that nature has given us numerous ports in the Channel for the protection of the largest ships, while the French on the contrary, as if Providence intended we should be the mistress of the narrow seas, have not one port from Ushant to Graveline which a line of battle ship can enter. As westerly winds in general prevail, what then is to become of disabled ships in the event of a well-fought battle? They must run to Norway or Denmark, the very place where I should wish to see them safely lodged, entirely out of the way of injuring us.

As I differ from the noble lord who spoke last in almost every thing he has said, I will consider the heads of his discourse separately, and give my reasons to the House for this disagreement. His lordship first alleges that no reinforcement was sent to him, because, of the two line of battle ships mentioned by the noble lord at the Admiralty, one was intended to attend on the commissioners in case they thought proper to return immediately, and the other was destined to bring his lordship home; still the two ships, Trident and Ardent, were there: the Admiralty

had a right to reckon upon them, as it could not be supposed that either the commissioners, who sailed in the Trident from England a week later than D'Estaing sailed from Toulon, or the Ardent, who sailed with the convoy a little before them, could possibly have left the ports of North America before the packet, which sailed the 5th of May, would announce the approach of the French squadron, and therefore they were ships to be considered as on the spot, to be used and depended upon as the event has proved. The Admiralty had further reasons to expect that the whole of lord Howe's force would have been collected, especially the two-decked ships, because they had sent his lordship very early notice of the sailing of M. la Motte Piquet, and of the certainty of a war with France: in this case his force was far from being despicable. Why the two-decked ships were not collected after two months notice, is a question on which I am persuaded his lordship will be able to give very good reasons; but here I acknowledge I am speaking from general information, without having seen the particular orders transmitted to him, which his lordship states as being liable to two interpretations, and this brings me naturally to remark the improper mode of our present proceeding, in proposing severe censures without bringing the whole of the evidence necessary to understand the transaction before us. I can vote upon the subject, because I am sufficiently acquainted with the facts necessary to form my judgment, but I question if an hundred members in the House know the actual force lord Howe had under his command, or the confidence the Admiralty could have that this force would be collected, besides many other circumstances that should be in proof to form a judgment on the present question.

The next point the noble lord states, and the hon. gentleman who made the motion has enforced the same argument, is, that in case M. d'Estaing had found our army at Philadelphia, and our ships in the Delaware, that the army would have been starved, and the shipping destroyed. This opinion is general throughout the nation; it has been favoured by the friends of administration, to enforce the wisdom of their measure in abandoning Philadelphia so opportunely as they did. It has been agreed to by this side of the House, to magnify the risk which our fleet and our army run by their bad management. But

on this subject, as I may probably do on many others, I differ from them both. I maintain, as I always have done, that the abandoning Philadelphia at the moment we did, was most fatal to our affairs in North-America; and that supposing no such orders had been given, and M. d'Estaing had arrived off the Delaware as he did, that neither the ships in that river, nor the army at Philadelphia, run any risk from that circumstance, for six or eight weeks at least, by which time we must have been relieved from any impressions of restraint, by the navigation of that river being interrupted. First, I say, that the navigation of that river is so intricate, that supposing the buoys cut away, the best pilots of the country could not have traced out the channel to have ascended the river with such ships as those under M. D'Estaing, in eight or ten days. Next I assert, that none of the 74 or 80 gun ships, without being lightened, could have passed the flats, as the Trident went on ground twice at the top of high water, not from missing the channel, but from the shallowness of the water, and this ship draws three feet less water than any of the French 74 gun ships. Thirdly, I assert, that supposing M. D'Estaing, with his whole force, had actually ascended the Delaware, above the flats, that all our ships, both men of war and transports, could have been moved in safety above the chevaux de frize; or the transports could have been removed above the chevaux de frize, and the ships of war moored in a half moon below, with flanking batteries on each side the river, which was in possession of our army. We should also have had the advantage of sending fire ships down the stream among the enemy. The river is not so broad as the Thames at Gravesend, and D'Estaing, after passing through a hot fire in ascending, must have been repulsed in the same manner which experience has demonstrated we were capable of doing by the late attack at St. Lucia, where admiral Barrington, with a very inferior force indeed, has shewn what men, not willing to despair, can accomplish. For my own part, after considering the subject on every point, again and again, I really think, so far from any danger by the direct application of the force of the enemy in the Delaware, that there was hardly any risk from any thing that could have been done by them, in that river, against the resistance of our ships and army; New-York would have

been the place in danger. But it is always to be remembered, if orders had not been given for leaving Philadelphia, our great ships of war would not have been in the river Delaware, and therefore New York was equally capable of receiving the defence, which they actually did present when D'Estaing came off that port. So that on every alternative the operations of his force would have been equally abortive. But the noble lord says, the army would have been starved. To my knowledge there was five weeks provision for the army at Philadelphia, and still greater quantities in the river when we arrived there, though it had been determined to leave the place. If general Clinton had been to begin his campaign in Pennsylvania, undoubtedly he would have had a larger stock of provisions in store there, and therefore it is not a just argument to confound the consequences of mixed plans. But as the case happened, five weeks provisions could, without hardship, have been prolonged to ten. The fertile countries of the Jerseys and Pennsylvania, and the lower counties on the Delaware, would have been open to us, and all of them abounding in provisions. On the first movement of our troops Washington must have crossed the Susquehanna, and left all those plentiful regions to our forage; even as matters then stood, confining ourselves to Philadelphia, without an out-post, provisions came into the town in the greatest abundance. I have heard much of the starving, and various distresses which the army underwent since I came to England; but I was an eye witness to no such scenes of misery; on the contrary, the most plentiful markets I ever beheld, were at Philadelphia and New York. The troops lived as well as could be wished, and rather in too great abundance for the hardy deeds of a soldier. Things were dear, but not from any want in the articles, but the great plenty of money circulated by such a fleet and such an army, with their several attendants. It is therefore clear, that we did not escape the bad consequences that might be dreaded from the Toulon fleet, from the orders which were given for abandoning Philadelphia; on the contrary, the imminent danger, and greatest risk which we run, was from those very orders; for I admit, if D'Estaing had caught our ships at the critical moment, after our army had abandoned Philadelphia, and when we were coming with the men of war and transports from the Delaware, the

blow would have been most disastrous, nor can administration take any credit from those orders without leaving themselves devoid of excuse in the present question; for surely if they had ordered Philadelphia to be abandoned with a view to the operations of the Toulon fleet, or any force that might be sent by France, they are doubly criminal in not sending timely reinforcements of ships to defeat the views of the enemy which they had so clearly foreseen: neither can administration claim the merit of the success of the troops in the West Indies as the good effect of that order which the learned lord had ascribed to them, for in case those troops had sailed as was intended, half would have been in their graves at this moment. They would have proceeded in the hurricane months at the most sickly season. As the case has happened, they went in the most favourable season for performing those voyages, and for active operations in that climate. I was equally willing the troops should have been employed in the West Indies in the winter time as the learned lord, but I say they might equally have done what they have now performed, and have acted four months in North America against the revolted colonies at the most critical moment of our dispute, where retreat upon concession was fatal to our cause.

I shall now proceed to examine the other positions laid down by the noble lord, and the subsequent conduct he held relative to those transactions, as far as they refer to the subject now before us. I know how justly high the character of the noble lord stands for naval reputation; no man could esteem it in a higher degree than I did myself, before the transaction I am going to speak of. Perhaps my disappointment was the greater on that account and the estimate I made of the force of the enemy, was less from the opinion I had of the vice-admiral who commanded our fleet. I understand his conduct has received repeated applause from officers of high reputation in this House, while I was absent from sickness; but this shall not prevent me from speaking my own opinion freely on this, and every other subject. I have been told the two noble admirals have been pouring incense on each other's heads in very copious streams. I agree they stand in the most respectable light on account of their former services; and I also agree with my friend below me, that in case any minister has been guilty of

any improper conduct, that has driven such men from the service of the state at this critical moment, when the exertions of all good men are so much wanted, to repel the common enemy, that such a minister should feel the indignation of this House, and of his country at large. But if it should appear on the other hand, that any set of military men, in their several pretensions, are become too high for the state, I hope there is still left in the nation virtue and spirit sufficient to repel such claims, and ability enough to be found in the naval department to resist the power of our enemies, if they were dead.

Administration has certainly great credit in dispatching the two packets from Falmouth, to give the noble lord notice of the sailing of the Toulon squadron, and the packet that did arrive in America having fallen in with that squadron; from every particular which the captain related, it was evident to me, beyond a doubt, that they were bound to sweep the coast of America, from Virginia northward.

The packet arrived the 29th of June, and certainly gave sufficient time for every preparation to be made for receiving the enemy, who did not arrive off New York till the 11th of July. Whether those preparations were made, or otherwise, is a question I shall not now enter into.—I mean at present only to take notice of some assertions in a pamphlet* that has been circulated with great industry, as preparatory to mislead our judgments in the question of to-day. I shall make but very few quotations, so the House need not be alarmed, lest I should read the whole, as was done by another pamphlet in a former debate.

This performance I can hardly attribute to the noble lord to whom it relates: it is too fulsome flattery for me to suppose he had any share in it, or that he can give it the least countenance now; nor should I have envied his lordship any of the praises bestowed by so idolatrous an author, if he had not taken notice of so insignificant a person as myself, and misrepresented my opinions. His patron might have enjoyed the glory of making a bridge of boats to pass the army over the rill that separates Sandy Hook from the main, with the assistance of all the boats from 50 sail of pendants, 400 transports, and 200 flat

* Candid Narrative of the Transactions of the Fleet, under the command of Lord Howe in America.

boats, without my interference. I am willing the House should understand this marvellous work was equal to every thing in ancient story, and even superior to Caesar's bridge over the Rhine; but in that part which respects myself I cannot so easily submit. The author begins by making an apology for obtruding on the public "The rough unpolished language of a seaman, little versed in the elegancies of composition, and unambitious of the praises of a brilliant diction, or the smooth flow of well-rounded periods." I shall read but one quotation more of this flowery turgid performance, in order to shew that this pamphlet could never be the production of any seaman. In p. 34 he says, "Majesty itself was brought forward to favour the deceit, after having been first deceived, and every meretricious artifice of pomp and shew put in practice to cover our weakness, under the hands of our state quacks. The nation assumed the false and transient flush of a consumptive patient, while she languished interiorly, and her whole frame was menaced with speedy dissolution." After hearing such bombast, I suppose the House are sufficiently able to judge whether any rough seaman was concerned in this narrative.

The author, after stating the miserable, lamentable, affrightened situation in which we were placed at New York, proceeds in saying, p. 15, "Yet a gentleman, who at that time obtruded himself into the society of those officers, who, in their company, was the loudest in bewailing our deplorable situation, and the desperate card lord Howe was forced to play—whose invectives against the first lord of the Admiralty, as evidently designing, by a delay of succours, to destroy or disgrace the vice admiral, were the most pointed and virulent. This gentleman now hesitates not to assert, that lord Howe enjoyed a superiority over the French commander, and should be accountable to the public for not having availed himself of this superiority. I write not from the information of the shameless editor of the *Morning Post*. That he hath hazarded this assertion to men in power, I know from the most respectable authority. Yet this man was once a sea-officer! The lists of both fleets lie before the public; let them answer this no less upright commissioner, than experienced captain. Nor can governor Johnstone be offended if his assertions on this subject be esteemed, by the writer of this narrative, so rash and ignorant as to

deserve no other refutation than what must occur to the meanest capacity—to those who are the least conversant in navy matters. The same lists shall stand in opposition, even to higher authority, to the authority of the great lord who so worthily presides over the navy department. For he too, from his place in parliament, when called upon officially to quiet the fears of the people, blushed not to have recourse to misinformation and falsehood."

Now, Sir, I assert, before you and the whole world, that what is here imputed to me by the author of this pamphlet is not true. I never obtruded myself into the society of any set of men; the moment I heard the French fleet had appeared, I thought it my duty to go down to Sandy-Hook in the night to offer my poor services; neither did I ever bewail our deplorable situation from the circumstance of the French squadron coming on the coast of America. I thought it a lucky circumstance. I expressed that sentiment to all with whom I conversed. I am glad I did not know the imminent danger we were in until I came to this city, the centre of all true intelligence, otherwise I might have passed more uneasy hours. I also deny, that ever I asserted that lord Howe had a superiority over the French squadron when they appeared off the port of New-York. If the noble lord can remember any thing that passed between him and a person of so little consequence as myself, he must know, that so far from entertaining that sentiment, when the noble lord talked of going out of the harbour to give them battle, I said that I thought he was not of sufficient force to hazard an engagement; but I always thought, with a proper disposition of his force, he was fully capable of defending the entrance of the harbour. What I said then, and what I assert now, is, that after the junction of the *Cornwall* of 74 guns, the *Reasonable* of 64, the *Renown* of 50, and the *Centurion* of 50, all heavy metal ships, lord Howe was equal, if not superior, in force to the French squadron. I give it also as my opinion, with deference to better judgments, that when his lordship appeared off Rhode Island, though he did not take the whole of his force with him, that he was fully equal to M. D'Estaing, and I reckon in the following manner:—his fleet was the best manned that ever went to sea, commanded by brave, judicious officers; the French were ill-manned and sickly, and

damaged upon entering and returning through the fire of the batteries on Rhode Island. I shall read the list of the two squadrons, and the manner I class them :

I esteem the			a match for the	
	<i>Guns.</i>	<i>Pounders.</i>		<i>Guns.</i>
Cornwall ...	74	18 & 32	Cæsar	74
which was beat by the			Isis of 50 guns.	
Eagle	64	18	} Languedoc	84
Experiment	50	12		
Trident ...	64	18	} Tonnante	80
Roebuck ...	44	9		
Reasonable	64	18	} Guerrier	74
Phoenix ...	44	9		
Somerset ...	70	18	} Hector	74
Nonsuch ...	64	18		
Richmond	32	12	} Protecteur	74
St. Albans	64	18		
Venus	36	12	} Zeleé	74
Ardent ...	64	18		
Pearl	32	12	} Marseilles	74
Preston ...	50	12		
Apollo	32	12	} Valiant	64
Isis	50	12		
Vigilant ...	20	24	} Provence	64
Centurion	50	12		
Sphinx	20	9	} Fantasque	64
Renown ...	50	12		
			Sagittaire	50
[9 and 18 pounders.				

But it may be said, although lord Howe had a superiority, by the addition of his heavy frigates ; yet it was impossible they could be brought to act in the disposition in which I have placed them. This I admit, but at the same time I contend, that lord Howe had a complete line of heavy ships capable of lying along-side the French ships, and in half an hour's action, every one knows the line of battle must be broken, when all the frigates could come to have acted to the utmost of their force. If this is not admitted, it would be impossible for lord Howe, or any other officer, to have availed himself of the advantage of any number of larger ships ; for supposing his frigates had all been fifty-gun ships, still no greater number than the ships opposed to the enemy's line can act at the beginning, until they are broken and scattered, which must always happen, as I said before, in half an hour, in every sea engagement. The generality of mankind are confounded in their opinions by the weight of metal, and the number of guns stated, without knowing the real circumstances attending those apparent proportions. I reckon an English 64 gun ship a match for any 74 gun ship out of France. The difference between the actual

force of two such ships is not so much as people imagine. They generally count the difference of ten guns, but in fact the difference upon the real efficient batteries is only two guns, the rest arises from the guns on the quarter-deck and fore-castle, which are light, and not of such consequence, and are often in the way of working the ship. Respecting the weight of metal, I think the English 64 has a great advantage over the French 74. Experience has convinced me, that the French 36 pounder (equal to our 42 pounder) is a gun that cannot be managed sufficiently quick. Whatever gun is above the size of being loaded by one man to a sponge, and breeched about by one man to a handspike, I esteem too large for action. I believe the 18 and 24 pounders, which all our 64 gun ships carried, to be the fittest guns for use in a close engagement ; the quickness of their fire, and the certainty of pointing them well and easily, does more than compensate for the difference of damage when they hit. I do not say this will be the case in an engagement like Mr. Keppel's, on contrary tacks, where the ships came up scattered, and the enemy have time to load again before they meet. Here the heavy grape-shot does great mischief to the sails and rigging. I speak of a close engagement on the same tack, in the usual manner. I think also, that one of our new fifty-gun ships, with 12 and 24 pounders, is nearly a match for a French 64. What happened in this very transaction will vindicate my opinion. The Isis, one of the worst of the fifty-gun ships of lord Howe's squadron, fell in with the Cæsar, the finest 74 of D'Estaing's fleet, and a flag ship too, and in a fair engagement the Isis beat the Cæsar. Much praise is undoubtedly due to the captain, officers and seamen of the Isis, for this extraordinary gallant action, but it shews at the same time that my opinions are not extravagant. The Jupiter, one of our 50 gun ships, very ill manned, has lately had an engagement with the Trident of 64 guns, and the issue has been favourable, to my opinion. The battle was drawn without any claim to a superiority by the French ship. I could give many proofs in the history of naval engagements, that my opinion is justified by experience, nor do I know any instance where it can be contradicted upon any trial that has been made. But the House will observe, by the list of the squadrons which I have read, that no such disproportion of force existed, because any difference

that may appear in the ships of the line, was fully compensated by the assistance they would derive from the frigates, three of which were of two decks, and one (the *Vigilant*) an old India ship, of twenty 24 pounders. All the others, excepting the *Sphinx*, were heavy metal frigates, of 36 and 32 guns, carrying twelve pounders on their main battery. These, Sir, are the opinions which I am ready to avow, but which I should not have offered to the House, if the pamphlet I have read had not quoted them untruly. I acknowledge I have frequently repeated these sentiments to all my acquaintance, both here and at New York, but I have never pressed them upon any of the members of administration, with whom I have had very little conversation on the subject, and whenever I have mentioned them to others, I have always spoken my sentiments as I do now, with due deference for the character of the noble lord, and a proper diffidence in my own judgment: at the same time I have a certain conviction in my own mind of the truth of what I advance. I am still at a loss to know whether the noble lord himself really thought his squadron was inferior in force to that of M. D'Estaing. I have never heard this asserted by any officer who served in the fleet. I have always heard it alledged, that his lordship was manœuvring for the wind, and meant to give D'Estaing battle, but was prevented by the storm. If so, I conclude, he expected to defeat his opponent, which would have proved his superiority; and I sincerely believe this would have been the case had the two squadrons engaged. As to all the dreadful consequences of famine, or surrender of the army, which the noble lord has enumerated, supposing M. D'Estaing had got possession of Sandy-Hook, I cannot subscribe to them in the extent he has stated. I have been informed, that by driving Long Island there would have been found six months subsistence for the troops, besides the various means of obtaining supplies through the sound, while the blockade of the port could not have continued without relief, above six or eight weeks at most.

As to the manner in which this motion has been supported by my hon. friend who moved it, although I shall vote with him on the question being put, yet I cannot agree in the reasons he has given to induce others to join with us. I vote for the reasons I have given myself, and not for any he has uttered; indeed I cannot help

remarking, that my hon. friend, who is the closest reasoner I ever knew, and the most accurate relater of any fact in the course of his argument, has, in my apprehension, failed in both these particulars this day. He admits that his premises are false, and yet he says, that those who voted on the former question, and the members of administration in particular, who alledged we had 42 ships of the line ready last spring, are bound to vote with him now, or, in other words, all that voted the one way before, are bound to vote the other way now. This is a curious method of obtaining a majority, and notwithstanding the explanation of this figure of rhetoric by his eloquent friend, that we are caught in the two horns of a dilemma, I acknowledge my stupidity in not comprehending the force of this manner of reasoning, or the propriety of a motion coming from a man who admits the principal fact, on which he founds his conclusion, to be false. My argument is different; for I maintain, whether we had 42 ships of the line ready, or a lesser number, the safety of our army, and the security of our affairs in North America, demanded we should have run the risk of sending off a small detachment to lord Howe.

The matter of fact which my hon. friend has misquoted, respects the proposals for the basis of treating, in the first letter from the commissioners to the Congress. After stating that the commissioners had renounced all, which by the bye, is the best reason I have heard for his favourite doctrine of yielding independence; he alleges we had specifically offered a free trade with all the world. Now the words of the commissioners' letter upon that article is, "to extend every freedom to trade, that our respective interests can require;" by which it is plain, the subject was open to a full discussion of the Congress. It is true, in a subsequent declaration which I did not sign, the other commissioners say "they were authorised and desirous to extend every freedom to trade." But this enumeration has a clear reference to the specific words in the first letter; and I can declare for one, it never was my intention to admit of foreign ships trading to the ports of North America; but I meant, as far as our powers extended, to remove every unnecessary clog on the commerce of the Americans, many of which restraints I believe to exist without any benefit to this nation.

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Before I sit down, there is one word in the motion, which I shall move to amend; it is the epithet "gross." I think the motion will run in a more dignified parliamentary stile without it, and I hate gross epithets in public proceedings. With respect to the other motion that is to follow, I cannot conceive upon what principle of consistency it can be moved by the same person who proposes the present motion. I cannot be of opinion, that the ministers were to blame, for not sending a fleet to Gibraltar, and a reinforcement to North America at the same time. They ought to have done the one or the other, I admit, but not both; and whoever moves a censure on their conduct, should chuse which of the two he prefers, as the measure they ought to have adopted. I shall therefore hope, my honourable friend will not offer his last motion to the House, or in case he does, that it may be rejected.

Lord *Howe* rose to reply; he said, from what the hon. gentleman had thrown out relative to the pamphlet, it was pretty evident he either thought that he had been concerned in writing it, or that it was written with his cognizance: he assured the hon. gentleman, that neither was the case; he had not seen nor had he heard of the pamphlet, till it was received by him at his country house; he did, however, guess at the author, for whom he would say thus much; that his assertion relative to the hon. gentleman, was so far near the truth, that when he was in America, he had been told that the hon. gentleman had there said, he thought him superior in force to M. D'Estaing. The hon. gentleman had now declared to the House, that his fleet was excellently manned. He begged leave to assert the contrary; his fleet was very far from being well manned; it was true, when the alarm of the Toulon squadron being near the Hook was first given, all sorts of persons, many who had been to sea; and many who had never been on ship-board, came down with the greatest alacrity, and offered their service on board the fleet; he should be ungrateful in the highest degree, if he did not give them infinite credit for their spirited conduct on the occasion; but he should be unworthy to hold a naval command, if he deemed ships so filled, ships well manned. The consequence proved it; for each time he put to sea, and sailed after D'Estaing, his sick increased amazingly, and he was obliged to land them, once upwards of 360 at a time, in order for their recovery, and

to prevent those who were well on board the fleet from being encumbered, in case of an action, which was what they expected every day. Indeed as he went out expressly to fight D'Estaing, and as the fleets were on the point of engaging, when M. D'Estaing suddenly altered his course, and bearing away to the southward, was soon, from the state of the weather, out of sight, the hon. gentleman had no right to say, that every thing was not done that the nature of affairs would admit, to bring the Toulon squadron to action.

He understood, indeed, that the gentleman had quitted the profession for some time; but that a man who had ever been in it, should have so totally lost all ideas of it, as to talk of piecing out a line of battle with frigates, against a great heavy line of the enemy of much superior ships! He did not know what term to give to such argument. The gentleman had talked of 50 and 60 gun ships being equal to 74's; and that a small ship supported by a frigate could beat a large ship. Possibly, his lordship said, in a single engagement: and possibly also, a smaller ship might singly engage a much larger one with success, by the superior gallantry of commanders and men—But to transfer this reasoning, uncertain in the case even of single ships, to a general engagement in a great line of battle! No man could argue so who knew what a line of battle was; for that in such a case, the frigates probably could not act at all; and the smaller vessels certainly with increased disadvantage, against the combined and greatly multiplied force of the superior line.

His lordship took notice of the insinuation, of growing too great for the state. His lordship assured the House, that no man felt more ardour to serve his country than he did; but he begged, that as men of consideration and honour, they would weigh the circumstances of the case he should suppose to them. If an officer who accepts a command, in America suppose, is thwarted, disappointed and deceived in that command by the minister for the American department; if an officer who is appointed to a naval command, meets with nothing but neglects and injuries from the Admiralty; if the first lord of that department sets all his power against all the credit and character of that officer. I can prove what I suppose, and will go into the proof whenever the House pleases.

The hon. gentleman had asserted that

New York was able to defend itself; that the fleet might have been hauled up the river, and the banks lined with men to annoy the enemy, and at least keep them off till admiral Byron came to the assistance of the whole; New York, the mere port of New York, was totally out of the question; it was not worth a moment's consideration: the army was the object to be taken care of, and if the fleet had been so hauled up the river, what was to become of all the victualling transports from Great Britain and elsewhere, of the packets, and a variety of other vessels daily to be expected, and materially necessary to be provided for?

His lordship concluded,—I feel myself professionally called upon; but I should not mention my rank in the service, nor allude to any little experience I may possess in it, if I could not support my opinion by argument, and appeal for its undeniable certainty to every seaman who knows what service is. I can therefore assure the gentleman, that admiral Howe will not apply to captain Johnstone to instruct him in the elements of his profession.

Governor *Johnstone* in reply, declared, although he was no more than captain Johnstone, that he would not give up his experience to admiral Howe, or any other admiral whatever; he had seen as much service as the noble lord, and had been in more battles. What he had offered relative to the affair between the English and French fleets, on the arrival of the latter off Sandy Hook, he submitted to the House as his opinion; an opinion not theoretically formed, but founded on professional knowledge. Nothing that had fallen from the noble lord had afforded him the least reason for altering his sentiments; and he so far differed from the noble lord, that instead of refusing to serve in this moment of public exigency, he would take any command that should be offered him. Many gentlemen well knew that at the commencement of the American war, he would not have accepted of any employ against that country, because he thought the war unjust in its end, and oppressive in its principle and mode of carrying on; the case was now materially altered: this country had done every thing which became her, to convince America of her readiness to act with lenity, moderation, and justice. France had perfidiously broken her treaties, and seduced America into an offensive league against Great Britain; in such a crisis, it behoved every

man who felt for the injured honour of his country, to step forward and offer his service; he for one was ready to exert his utmost abilities in any capacity that government might think proper to employ him. If his country called for his services, so far from attempting to prescribe the condition on which he would serve, he would accept even the command of a bumboat.

Lord *G. Germain* avowed having himself altered the destination of Byron's squadron from Halifax to New York, and sent the dispatches by packets, instead of by transports under convoy, both which alterations he accounted for on the grounds of necessity and sound policy. His lordship said that ministry had been deceived by *M. la Mothe Piquet*, and that *M. Gerard's* going on board a ship of the Toulon squadron might be a mere feint, and ought not by any men in office to be admitted as an undeniable proof that the fleet were destined for America. His lordship spoke to the conduct of the commissioners, and denied that they had given up every thing. He acknowledged, that the situation of public affairs was such as to render it necessary to make concessions to America; but since the Congress had rejected those terms, and committed their cause to the events of war, he did not think that this country was by any means bound to abide by those terms, should successes on our part entitle us to insist upon better.

Col. *Barré* charged the noble lord in the blue ribbon, and his coadjutors, with aiming, like assassins, at the life of admiral *Keppel*. He drew a parallel between governor Johnstone's having ventured to hold a professional opinion, in opposition to the judgment of lord Howe, and admiral *Palliser's* calling in question the conduct of his commanding officer, admiral *Keppel*.

General *Conway* thought the noble lord's assertion, that this country was not bound to abide by her terms of last year, was a most alarming declaration. Such an assertion might do infinite mischief, and he hoped the noble lord would say something in palliation, and not suffer an assertion, which tended to insinuate that this country never meant to keep her faith, to go out of the House, much more to reach America, where it would spread great alarm, and aggravate the animosities that at present subsisted between the two countries. After discussing both sides of the case, the general said he thought he could not with any regard to truth and

reason, avoid giving his vote for the motion.

Sir John Wrottesley declared he was not a little amazed at what the hon. governor had said, relative to the great plenty which he saw at Philadelphia when he was there. He had himself shared in the distresses of the army, and so far from enjoying the luxuries of the table, which the hon. gentleman had described to abound in America, he had often experienced the greatest difficulty to obtain even the necessaries of life. He likewise had never heard of the quantity of bread, or the six months provisions on Rhode Island, which the hon. gentleman had talked of.

Mr. Fox laughed at governor Johnstone's idea of matching a small ship and a frigate against a French 80, and ridiculed the doctrine that small ships were more powerful than large ships of the line, and which carried a heavier weight of metal; observing that if the fact was as the hon. gentleman stated it, that a 50 gun ship of ours, was equal to a French 64, by a parity of reasoning, our frigates were the most serviceable ships in point of tonnage and size of guns, of any in the navy; and that lords Torrington, Anson, Hawke, and other seamen who had presided at the board of Admiralty, had most egregiously erred, and grossly mis-spent the public money in building 74 and 80 gun ships, and first rate men of war.

The House divided on the first motion: Yeas 135; Noes 209.

Debate in the Commons on the Army Extraordinaries.] March 29. On the motion for bringing up the Report of the Army Extraordinaries,

Mr. Fox opposed it, and reprobated in very severe terms the indecent manner in which so large a sum as 2,026,000*l.* had been voted last night, for the extraordinaries of the army; he said enormous as the sum was, it was voted in the lump, hastily, of a sudden, and at a late hour of the night; he declared that the House would incur a degree of guilt in acceding to the vote; and begged them to notice, that he took the earliest opportunity of protesting against it, and desiring that he might not be involved in the criminality. He had many reasons for not agreeing to the vote, but none weighed more with him than the recent alarming declaration of a noble lord (G. Germain,) that this country was not bound by the terms held out to America last year by the commissioners. He

said, it was a new instance of breach of faith in ministers, and a confirmation of the opinion pretty generally entertained, that their conduct respecting America, was one continued series of falsehood, treachery and deceit. He asserted, that this nation was rendered despicable in the eyes of all Europe, by the unsteadiness and womanish weakness of administration; the great dejection, and the consequent humility which they felt and confessed on every trifling piece of bad news which arrived, and the ridiculous extravagance of joy and loftiness of language which they exhibited and assumed whenever they heard of the success of our arms, let that success be of the most insignificant nature. He contended, that the noble lord's declaration not only disgraced government, but might be the cause of the unnecessary continuance of the war with America, and might render an union between the two countries impracticable at present, if not ultimately impossible. Before he concluded, he repeated his assertion, and in particular instanced the destructive consequences of such a declaration, to all those, who, relying on the good faith of Great Britain, had come in under the influence of the terms offered to America by the commissioners, and who had a right to a due performance of each separate proposition. If there had been but a single individual who came in, in consequence of the proclamation, he asserted that the faith of this country was pledged to that individual, and that individual was basely betrayed if ministers asserted that they were not bound by what the commissioners had published, because the Congress of America did not chuse to close with their propositions.

Lord G. Germain rose in defence of his former assertion, which he said he would maintain upon the grounds of justice, reason, and common sense. If one party offered terms to another, and that party rejected the terms offered, it was absurd in the extreme to assert that the party proposing the terms were bound to abide for ever by their propositions. If that were the case, America might pursue the war to the last extremity, under the idea, that when they could carry it on no longer, they had it still in their power to accept the terms of 1778. In proof that the commissioners had neither pledged themselves, nor committed Great Britain, his lordship read a part of the declaration of the commissioners previous to their quit-

ting America, which expressly gave notice to the Americans, that America, having rejected their propositions, must not expect the same liberal terms from Great Britain in future. This, his lordship asserted, was a clear answer to what had been said respecting the act of the commissioners; at the same time he begged to have it understood, that it was not by accident that he let drop his declaration on Monday last; he sought the occasion to say it in a full House, and he was glad of the opportunity. He never was more clear in any one point, than that this country was not bound to abide by her terms of last year; but God forbid he should be understood to hint that this country was not, as yet, disposed to treat with America on those terms!

Governor *Johnstone* said, that the noble lord always treated America as a foreign enemy, and not as revolted subjects whom we wished to reclaim. He argued the necessity of coming to some distinct proposition as to the intention of Great Britain respecting America, and threatened to move some proposition of that kind if nobody else would.

Mr. *Burke* entered into a review of the whole argument, and after stating the grounds of it, contended that this country was bound to abide by the terms offered last year; he said, the commissioners were understood to have spoken the language of Great Britain, and not their own private sentiments; that, consequently, they had either been warranted in their public professions, and therefore ought to be supported, or they ought to be punished for having exceeded their powers.

Mr. *Eden* said, that he was much surprised, when the question before the House related to the extraordinaries of the army, to feel himself called upon to discuss a question respecting the negotiation of the King's commissioners. He could wish the House would more effectually concur with their Speaker in checking this desultory mode of bringing forward every possible subject on every possible occasion. It was his settled opinion, with respect to American questions in general, that in our present situation, the discussion of them could not be productive of any one good, but might eventually be the cause of much mischief. That members who were so forward on these occasions, did not know their own weight, or the weight of parliament, but were too apt to estimate it by the unfortunate effects

which some of its proceedings had produced in the colonies. That the manner in which our debates were canvassed, misrepresented, and misunderstood in America, could only be conceived by those who had seen it. That as to the particular matter now brought so abruptly before the House, as it had been stated by very respectable members, with strong expressions of apprehension, it certainly was material to give satisfaction upon it. The expression dropped by the noble Secretary of State on a former occasion, if taken as an abstract political truth, was certainly accurate; for nothing could be more indisputable than that Great Britain was not bound at all times and in all circumstances, to give the same terms of accommodation. He instanced, that one of the terms, or more properly speaking grounds of negotiation held out by the commissioners, had been an arrangement respecting the American debt. That upon a supposition of Great Britain, by the recent acts respecting the charters and taxation, having admitted herself in some degree to have given the first provocation, the commissioners might have thought it reasonable, by means of the quit-rents, or otherwise, to form some plan for arranging the debt incurred in consequence of that provocation. But the causes of the provocation having been generously, explicitly, and eternally renounced, if a reparation so ample were disregarded, it was neither just nor reasonable, nor indeed practicable, to undertake the arrangement of a debt which the rebel leaders might blindly and obstinately increase to ten times its present magnitude. That this abstract proposition had been explicitly stated by the commissioners in their manifesto, and had merely been repeated by the Secretary of State in his place in parliament. That he was sorry, however, that it had been so repeated, and had expressed his concern to some friends who were sitting near him at the time; because, coming from so high an authority, and being so timed and circumstanced, it certainly was liable to misinterpretations. He could say as an American commissioner, and without hesitation, that though he could avow the strict justice of the position, he totally disavowed the expediency of recurring to it; and so long as he should have the honour of being employed in the commission, could venture to assure parliament, that he should act *bonâ fide* and sacredly, in respect to any particular colony or colo-

nies desiring once more to enjoy the blessings of peace, in a manner that he was convinced would give present satisfaction and permanent security to such colony or colonies, and would also, he hoped, merit the approbation of this country.

General Conway said, that he had taken notice of the noble lord's declaration on the night it was made, as a matter that required immediate discussion. He was therefore very glad to see it now brought on, for the sake of the Americans, and of this country.

Lord North assured the House, that the declaration made by the noble lord did not originate with him; it had been made in reply to an assertion on the other side, that Great Britain was for ever bound to the terms offered by the commissioners. And he then gave it as his own opinion, that Great Britain was not formally bound to grant all the concessions made by the commissioners, as they had rejected them; but there was one which had been granted by an express act of parliament, which, though not absolutely irrevocable, was, in fact, absolutely binding, which was the renunciation of the right of taxation for ever. In all other respects he declared it would be proper to grant them all that was promised by the commissioners; and even if our arms should prevail against them, he would still think it right; but he would not infer from that any legal absolute obligation, under any possible conduct or behaviour, however bad on their part, that Great Britain was tied down to abide by these terms to eternity. His lordship owned that he thought the present appearances of success were the consequences of the promises made by Great Britain; and so far as regarded individuals and provinces, who should return to the allegiance of this country, they certainly had a right to all the concessions offered. He hoped this, being understood, would prevent all misunderstanding in America, and that the friends and correspondents of America would represent it in a proper light.

The House divided on the motion for bringing up the report: Ayes 142: Noes 78.

Proceedings of the Commons on East India Affairs.] April 16. On the order of the day for going into a committee on the Affairs of the East Indies, lord Midleton took the chair.

Admiral Pigot entered into a detail of the various circumstances attending his brother's (the late lord Pigot) having been appointed, in April 1775, by the East India company, governor of Madras and Fort St. George, and commander in chief of the company's forces in that presidency; his voyage to India, his arrival at Madras in Dec. 1775; his setting off for Tanjore on the 30th of March 1776, in order to restore the Rajah to the throne of his ancestors, agreeably to the instructions of the court of directors and general court of proprietors; his return to Madras from Tanjore on the 5th of May; the proceedings and resolutions of the council of Madras, relative to his conduct while in Tanjore; the mode of their arresting him in August, 1776, and conveying him under the custody of colonels Stuart and Edington to St. Thomas's Mount; the order of the new and self-erected council to col. Stuart, to acquaint lord Pigot, that in case of any attempt to rescue him, his life must answer it; the attempt of lieut. col. Edington, on the 27th of the same month, to remove his lordship to Chingleput; his declaration, that he would not be carried to any other place alive; their suffering him to remain at the Mount, where he was guarded by 400 artillery; his passive manner of bearing his sufferings; his earnest recommendation to all his friends not to stir on the occasion; and his continuing a prisoner till the 11th of May, 1777, when he died at the Mount. The admiral enlarged on each particular as he stated it, and spoke with a warmth of affection for the character of his deceased brother, which did him the highest credit. He painted the conduct of the new council, as most violent, unjust, and unprecedented; declared, that there never had existed a more worthy man than the late lord Pigot; that in his situation he was remarkable for his uprightness, and his immovable integrity; that he was offered ten lacks of pagodas to withhold the reinstatement of the Rajah of Tanjore, only for a short time; that refusing, an additional offer was made of five lacks more, worth in the whole, 600,000*l.*; that while in India, he had no object in view but the interest of the East India Company, and a punctual compliance with their instructions; that in return for such laudable conduct, his personal freedom was suddenly and disgracefully invaded; he was deprived of his liberty, and at length of his life, no man

knew how. As a proof that he was above the influence of that species of corruption, which saps the whole foundation of the Company's trade and government at Madras, he declared his brother died so poor, that his son-in-law, Mr. Monckton, was under the necessity of selling all his houses and effects in India, in order to pay his debts there. After having dwelt on the several points of his brother's conduct and treatment, he said he had several resolutions to propose to the consideration of the Committee, but he wished first to know, if any further proof was required by the Committee, of the various facts he had stated, besides the papers then on the table, as he was ready to substantiate every particular by evidence at the bar.

Mr. *Stratton* said, he did not imagine the hon. admiral had intentionally misstated any part of what had passed in India relative to his brother, but he thought it incumbent on him to set him right where he had erred. He had declared, the council of Madras approved of his conduct while in Tanjore; he begged to say, that the council was very far from entirely approving his conduct there; he read the minute, from whence it appeared, that particular exceptions were made by three or four different members, to particular transactions of lord Pigot, while employed in restoring Tanjore to the Rajah.

Admiral *Pigot* said, that he conceived the majority of the council, in like manner as the majority of that House, passed for the whole; that the minute of approbation was signed by the majority, and therefore he was, he presumed, warranted to say his brother's conduct was approved by the council. The admiral desired to call an evidence, to prove the attempts made to influence the council, and to bring them over to support the Nabob's interest, in opposition to the Company's meaning. The committee agreeing to this,

George Dawson, esq. was called to the bar, and underwent a long examination. The substance of his evidence was, "That he was one of the council of Madras, previous to, and during the revolution in the government of that presidency; that he had always voted with lord Pigot, because he thought his lordship right; that he was offered a considerable bribe to stay away from council, and particularly if he would absent himself on the day that the sending Mr. Russel as resident to Tanjore, was to be debated; that the offer was made him by the Nabob's sons, as he pre-

sumed, on the part of their father; that he had frequent conversations on the subject with the Nabob's sons; that no European was, as he recollected, present at either of those conversations; that he could not say what was the particular amount of the sum offered him, but he was sure it was a lack of rupees at least; that he could not recollect the specific hour or place in which the several conversations were held; that he was one of the council who objected to Mr. Benfield's claim, which consisted of tankas or assignments from the Nabob on the Tanjour country to the amount of 250,000*l.* that no servant of the Company, civil or military, was present when the nabob's sons made him the offer of a bribe to stay away from council; that sir Robert Fletcher had advised him to absent himself as desired; that the bribe offered him was a lack of pagodas, and not a lack of rupees, that therefore, instead of 12,500*l.* it amounted to 40,000*l.* that he did not know of any bribe having been accepted by other members of the council, but that he had seen the nabob's sons in the house of sir Robert Fletcher."

Admiral *Pigot* moved, "That it appears to this committee, that George lord Pigot, a member of this House, was, on the 24th of August, 1776, arrested by a military force, and carried and confined under a military force at the house of major Horne, at a place called the Mount, about nine miles distant from the town of Madras and Fort St. George, of which he was governor and commander in chief; and that the said George lord Pigot continued in confinement under a military force for near eight months, that is, from the 24th of August, 1776, until the 11th of May following, when he died."

Sir *George Wombwell* opposed this resolution, arguing upon the impropriety of that House interfering with a matter, which, according to the chartered rights of the East India Company, fell solely under their jurisdiction. He said, that agreeably to the charter of the Company, they had the sovereign power of appointing, suspending, and discharging, and of rewarding and punishing their servants; that in the case of lord Pigot, every proper step had been taken to procure authentic information of the real truth of the whole affair; that a general court had done him so much justice, as to order his restoration, as soon as it was known that he was deposed; that governor Rumbold had it as

a material part of his instruction, to institute an enquiry at Madras as soon as he arrived there, and to endeavour to obtain a full account of the particulars of the noble lord's having been arrested, the conduct of those by whose orders he was confined, and the manner of his death; that the ship which was to bring these particulars was daily expected, and for what he knew was then arrived; that governor Rumbold had already sent over word, that he had set apart a day out of every week for the purpose of pursuing the enquiry; that, therefore, the matter was gradually approaching to a termination, and would now soon be concluded. That if, when the authentic particulars reached England, the directors were negligent in proceeding upon them, or did not do their duty, it would then be a proper measure to apply to that House for succour; that at present it was unnecessary, and an act of prejudice respecting the gentlemen accused. That if the admiral chose to prosecute, the courts of law were open; but that the proprietors were satisfied, and every thing respecting the Company in a flourishing state both at home and abroad; that the profits of their trade were greater for the two last years than they had ever been; that it was evident, their military in the Indies were in a proper state from their late success; that ten days after they received orders to march against Pondicherry they took the field; that he saw no reason for stirring in the business at all at present, much less for that House to interfere in a matter in which they had no concern.

Admiral *Pigot* said, the court of directors had proceeded gradually with a witness! That his brother had now been dead two years, and no step taken to punish those who deprived him of his liberty; that the hon. gentleman talked of his wishing to go to law; he assured him he had not gone a step in the business without the best advice of the most learned of that profession. That he had in August last sent to the India House the opinions of several very able lawyers, but the directors were so gradual in their manner of doing business, that he received no answer till October, and then that answer gave him no satisfaction. The admiral also mentioned, that the mode of instituting an inquiry in Madras, into the conduct of persons in England, was a glaring, as well as that of pasting up bills against the corners of the streets of Ma-

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dras (desiring that all who had any thing to depose relative to the late revolution in that presidency would come, and make oath of it before the town clerk) was an idle and nugatory mode of proceeding.

Lord *North* thought, as the motion did not complain of a breach of privilege; the words, "being a member of this House," might as well be omitted.

The objection, however, was over-ruled, and the motion was put, and carried *nem. con.* as were the two following: 2. "That George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdon, and George Mackay, esqrs. did, on the 23d of August 1776, form themselves into a council, and did confer the command of the army and the garrison of Fort Saint George on col. James Stuart, ordering him to arrest the person of George lord Pigot, their governor and commander in chief, and to put the fort, garrison, and fort-house, under their command. 3. That the court of directors of the East-India Company have, by letters of the 4th of July, 1777, and of the 23d Dec. 1778, to their presidency at Madras; ordered, that courts-martial should be held for the trial of col. James Stuart, col. Edingtoun, maj. Horne, and capt. Lysaught, for having arrested and confined, under a military force, their governor and commander in chief, George lord Pigot."

Admiral *Pigot* next moved: 4. "That an humble Address be presented to his Majesty, praying that he would be graciously pleased to give directions to his attorney general, to prosecute George Stratton, Henry Brooke, Charles Floyer, and George Mackey, esqrs. for ordering their governor and commander in chief George lord Pigot, to be arrested and confined under a military force; they being returned to England, and now within the jurisdiction of his Majesty's courts of Westminster-hall."

Mr. *Gregory* (one of the directors of the East-India Company) rose, he said, to give his reasons for wishing that the committee would agree to the resolutions moved; and by their sanction, warrant the legal proceeding against those of the council of Madras, who deposed and imprisoned lord Pigot, the legally appointed governor of the presidency. He did not entirely approve of the conduct of lord Pigot, previous to his being deprived of his power as governor, and imprisoned; but he could by no means agree that the violent measures pursued by the council,

were consistent either with their duty to the Company, or that respect which was certainly due to the person of lord Pigot, as the governor, appointed by the court of directors, and sent out under the authority of the general court. The instructions or orders of the general courts, he declared ought to be held sacred by their servants in India, and never departed from, except in cases of the utmost emergency, and then not with violence or precipitation, but with the greatest caution and coolness, and as much attention to them, as the nature of the case would possibly admit. If lord Pigot's conduct had been such as was detrimental to the interests of the Company, or the good government of the presidency, the proper mode of proceeding would have been to have entered a protest against the governor's conduct, specifying wherein it was opposite to the welfare of the Company and Presidency, and to have transmitted that protest home. Had that line been pursued, he should have had no objection to voting either a severe censure, or had it appeared necessary, the ultimate removal of lord Pigot from the governorship. In former cases, this mode of proceeding had been adopted, and the differences properly and happily adjusted. To pursue any other method was to endanger the entire possessions and property of the Company by a civil war; property and possessions which had occasioned a thirty years war, and cost this country immense sums, as well as the loss of many subjects. The very idea of such a hazard, was enough to make a thinking mind shudder; every thing therefore that tended to move a civil war, was a matter of abundant nicety, and ought never to be ventured, but on the most pressing necessity. Parliament he thought, for these reasons, should seize the present occasion, and by agreeing to the resolutions, assist the Company in their wishes to convince their servants abroad, that their taking upon them to violate the orders of the Company, and proceed to the length of a revolution in the government of a presidency, was not in itself a slight matter, or such as would be easily overlooked, either by the Company or by the legislature of Great Britain.

Mr. Stratton rose to object to the last resolution. He then stated that the conduct of the council was not adopted but upon the most pressing necessity, that lord Pigot's behaviour was in the highest

degree tyrannical and arbitrary, both with respect to the council and in respect to the nabob. That his lordship treated the latter in a most injurious manner, threatening to set a guard over his person, and thereby, as well as by other ill-treatment, endangering his friendship to the company. That in council his conduct was equally obstinate and insolent; that he did not govern his behaviour with common civility, and if he once took an idea into his head, would hear no arguments to prove that it was inconsistent with the interest of the company and of the presidency. That his lordship was so irritated on finding the council were not unanimous in supporting his propositions, that he scrupled not at any mode of attempt to gain a majority; that finding common attempts fruitless, he took the extraordinary method of impeaching him, (Mr. Stratton) and Mr. Brooke, the two seniors of the council, and suspending their power of acting as counselors. That finding lord Pigot had acted improperly in Tanjore; had acted so as to disgust the nabob, and to put his friendship to the company to the hazard, and had acted in the council, to the prejudice of the interest of both the company and presidency; those of the council, who were instrumental in deposing the governor, saw most clearly, that there was no other possible line of conduct for them to pursue, to preserve the company's interests from absolute ruin, but by depriving the governor of his power. This measure, Mr. Stratton contended, was not put in practice with any violence, or any want of respect to his lordship; it was necessary that his person should be seized at the moment that the revolution was in agitation: but there was no intention of continuing lord Pigot as a prisoner. It was a fact well known, that he might have had his liberty in three days, had he chosen to accept it. So far was he from disavowing having taken a part in the measures which the hon. admiral thought so reprehensible, he made no scruple to own that he was a principal mover of the revolution, and a principal agent in every measure pursued by the council respecting it. He contended, that the measure was expedient and strictly justifiable. In proof, that those nearest the spot and most capable of judging upon it, thought so, he desired that several minutes of the council of the presidency of Bengal might be read; from which it appeared, that the Bengal presidency watchfully regarded the proceedings

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of the council of Madras, that they from time to time gave their opinion of every measure the Madras council adopted; that they were particularly displeased with the conduct of lord Pigot. That they predicted his being deposed, as a measure that promised to be necessary. That when he was deposed, they warmly approved of the conduct of the council, respecting the revolution. That they again and again expressed their entire approbation of the measure.

Mr. *Purling* took up the conclusion of Mr. *Stratton's* speech, and declared the company had never approved of the conduct of the council of Madras, respecting the imprisonment of lord Pigot. He also objected to the reading of minutes of the council of Bengal, as a justification that the measure was warrantable, declaring that persons at so great a distance from Madras could not be competent judges of what passed at that presidency.

Mr. *Stratton* declared, that the connection between the council and governor of Bengal, and the council of Madras, was so immediate, that the former were certainly the best judges of the conduct of the latter.

Mr. *Gregory* said, that as a director of the East-India Company, and a member of parliament, he made no scruple to assert, that he did not think the conduct of the council of Madras, in deposing their governor and making him a prisoner, merited any compliment. That there had been held a great number of courts of directors, and general courts at the India-House, upon the subject immediately subsequent to the arrival of the news of it in England; that he had been present at every one of them; and never had, in the whole course of his life, attended any business more studiously; that so far from remembering either the courts of proprietors or courts of directors adopting any measure, or coming to any resolution which carried with it the least appearance of countenancing the transaction, he was perfectly in memory, that their conduct warranted no such insinuation. He concluded, with expressly declaring, that the directors had, in all their proceedings, cautiously avoided giving any countenance whatever to those of their servants, who effected the revolution in the government of Madras.

The motion was then agreed to *nem. con.* The House was resumed, and the resolutions were all agreed to.

Debate on Mr. Fox's Motion for the Removal of the Earl of Sandwich, First Lord of the Admiralty.] April 19. The order of the day being read,

Mr. *Fox* rose to make his promised motion, which he gave notice of before the Easter recess, for the removal of the first lord of the Admiralty from his office, and from his Majesty's presence and councils. He observed, that he would take up very little of the time of the House. He meant only to recapitulate the facts which he had brought forward in support of his former propositions. It would be sufficient barely to state them, for the purpose of calling them back to the recollection of the House, and present them anew in two different forms: namely, as the state of the navy in 1778 bore a relation to the naval power of France, and its comparative strength with that of a former period of naval preparation and war in this country. To the motion itself, as a proposition to which the assent of the House was desired, he expected to hear one plausible and general answer given. He expected to hear it objected to as totally destitute of any proof to support it. It would be said, "Have not the facts, or presumed facts, which have been urged on former occasions, been rejected by so many distinct negatives, in the manner they were separately proposed? That is, shall we now agree to come to a general vote of censure, upon an accusation which has been negatived in all its constituent parts? Shall we, in the capacity of judges, proceed to a direct censure of the party accused, though we have given a previous opinion, that not one of the allegations is true?" The reasoning, he confessed, had something in it, otherwise he should not have given the House or himself the trouble of taking notice of it; and he would meet it in this way.

That although the House did not concur in a vote of censure on any one of the separate grounds of accusation, it might well concur upon the whole charge collectively taken. The great waste of public money, the promises of the noble lord, our inadequate state of defence in June, the neglect of reinforcing the noble lord (*Howe*) over the way, when the fate almost of America depended upon it; the abandoning the trade and fortresses in the Mediterranean, &c. might not contain singly sufficient cause of removal in the opinion of a majority of that House; but taking them in the aggregate, they would furnish matter well worthy of the vote of censure, which

he was about to move, on the ground of wilful neglect or gross incapacity.

The reason of such a mode of determining upon a complex charge was obvious, and was plainly within the inquisitorial power of the House. The House was competent to enquire, to examine and censure. Their jurisdiction could not extend to punishment. They might accuse, but could not punish any man, much less any one of their own body, in any other way but by expelling him. When criminal charges, reciting specific offences, are made, they can only be decided upon in courts of criminal justice. On these occasions the House of Commons, upon impeachments, act as the grand inquest of the nation. The present proceeding was of a different nature, and did not call for that specification and certainty, which the law justly and wisely requires when a man is questioned in a court of criminal judicature, and put upon a trial, on the issue of which may depend his honour, his property, and his life.

Such being the true nature of votes of censure, for removal only, as contradistinguished from accusations specifically made and crimes distinctly alleged; it followed that the same degree of proof was not necessary; and such had been the usage of that House upon similar occasions, some of which he had mentioned in a former debate in cases of votes of removal.

Without relying totally upon former precedents, in support of the doctrine now laid down, though of an age too young to entitle him to a seat in that House, he remembered, that he had been present at several debates on the Middlesex Election, when an hon. gentleman, now a member of that House (Mr. Wilkes) was expelled upon an aggregate charge, such as that on which the present motion was founded. He was charged in the original motion, for publishing the North Briton, No. 45; for writing an impious and profane pamphlet, entitled *An Essay on Woman*; for writing a libel on a noble viscount (Weymouth) then in high office, relative to the transactions in St. George's Fields, on the 10th of May, 1768; and for being outlawed. Here, then, there were four separate charges collectively taken as a good ground of expulsion. The argument of those who supported the propriety of the vote, when pressed to take the sense of the House upon the several charges mentioned, was, Would it be proper to expel him for any one of them? No; none of those

charges separately considered, would justify the vote, but collectively taken, they were sufficient.

He remembered the persons who took the lead in that business: they were the same who he expected would oppose the present motion. He hoped, therefore, that they would either decline any opposition on the present occasion, or acknowledge that they acted unfairly and unjustly in the instance alluded to. Whatever his hopes might be, he had very little solid reason to expect so much candour at their hands; at all events, they would stand convicted in the opinion of every impartial person; they would stand convicted of making their avowed doctrines and principles give way to their convenience.

But independent of the precedent he had just mentioned, his motion would stand fully justified from its nature and the object it pointed to; for the question would shortly amount to this, without the shadow of criminality attending it—Is the first lord of the Admiralty equal to discharge the functions of his office with safety to the state and with honour to the nation? Has he done it; or what reasons have parliament to suppose, if he has not performed his duty heretofore, that he will act more wisely or capably hereafter? In fair argument and common sense, the strong probability is, that he will not. Suppose the noble lord ever so indefatigable, ever so zealous or well inclined, the obvious deduction is, that according as the difficulties increase, his inability to provide against them will likewise increase. It would, indeed, be absurd, romantic, nay monstrous to presume, that the author of our very alarming situation, should be the only person in the nation, to rescue us from the consequences of that situation. It would be the last degree of folly and madness to expect, that a person, who by his ignorance and gross misconduct, had brought or suffered this country to fall from the highest pinnacle of fame, respectability, and naval glory, to the last stage of national degradation, weakness, and disgrace, contrary to every principle of public opinion and experience, was nevertheless equal to the very arduous task of acting as the saviour of his country, and the guardian of its interests, prosperity and reputation.

He next proceeded to enumerate the several charges of misconduct, incapacity, or wilful negligence, which he had

brought against the noble earl in his three motions before the holidays. He observed, that the noble lord had asserted, in another assembly, on the 20th of November, 1777, in reply to a noble lord since deceased (Chatham) that there were on the preceding day, to wit, on the 19th of November, 42 sail of the line ready and almost ready for sea; 35 actually ready, whose complements were 20,300 seamen and marines; 18,000 and a considerable fraction of which were already aboard, and upwards of 3,000 seamen and marines not shipped, which would more than supply the deficiency; that there were seven more ready to take their complements aboard, which could be easily procured in a very few days upon an emergency, by calling in the protections and issuing press-warrants. This was the noble lord's solemn assurance in another place, but what truth there was in that assurance might be easily gathered from this circumstance; that when admirals Keppel and Byron went to sea in the month of June following, his greatest efforts in the course of seven months, the last of which was a period of war preparation, produced no more than 42; twenty being sent under Mr. Keppel, thirteen under Mr. Byron, and nine sent upon miscellaneous services, to the West Indies, North America, &c.

He arraigned the bad policy of totally neglecting the Mediterranean, and not sending a squadron there on the first notice received of the formidable armaments going on at Toulon; and if that measure was thought hazardous, said, there was not even a colour of cause, for not detaching, in order to reinforce lord Howe.

He condemned the sending out admiral Keppel with 20 ships to go in search of an enemy greatly superior; and contended, that it was big with danger, and might have terminated most fatally, had not the hon. admiral most fortunately fallen in with the Pallas and Licorne French frigates, and taken them, by which means he discovered, to his utter astonishment, that ministers had risked his whole fleet, in order to preserve appearances which they meant to keep with the people. They supposed, that admiral Keppel might possibly not meet with the enemy, or if he should, that whether flight or defeat was the consequence, they might be enabled by their arts, by their emissaries every where, and their hirclings in print, to shift the blame

off their own shoulders, and lay it upon the admiral, the officers and seamen. Their subsequent conduct proved their disposition towards the admiral, and their real intentions. For when they found themselves no longer able to impose on the people, by its being known that the admiral returned for a reinforcement, they were urged by rage and disappointment, and shewed every mark of it in the whole of their subsequent conduct. The first lord of the Admiralty never thanked the admiral for returning, nor either approved or disapproved of his taking the two frigates; but permitted him to go to sea again without giving the least token of approbation whatever, further than a cold official letter.

The noble lord, however, did not long conceal his sentiments under the mask of coolness and indifference. His lordship soon acted in an hostile manner; for, though he knew that sir Hugh Palliser had accused, in a public print, by a letter signed with his own name, his commander in chief; and though his lordship afterwards knew, that the vice-admiral of the blue had declined to call for a court-martial to enquire into his conduct, merely on the pretence of not obstructing the public service; yet in a few days after, when that gentleman preferred an accusation, without any cause whatever intervening, the accusation was received, and instant orders the same day given to the admiral to prepare for his trial.

How was it possible, for any man of honour or spirit, to serve with any safety to his person or character under such men, whose whole conduct was fraught with oppression and malice? It was a situation no independent man would submit to. It was a situation from which every wise and prudent man would fly with horror and disgust. The consequences were already felt in some instances; lord Howe and admiral Keppel were driven from the service; the whole body of sea officers were discontented, and that zeal, spirit, union and confidence, which was the very life of military enterprise and success in war, was fled, and the whole navy divided and split into factions. How the whole would terminate was more than he could venture to predict; but one thing was pretty evident, that the discontents among those to whom the defence of the country was entrusted, bore a very alarming and ominous appearance; and if some remedy was not speedily applied, he foresaw, that ministers would

finally accomplish that ruin, by their faction and intrigue, the foundation of which they had laid by their incapacity.

After dwelling for a considerable time on these circumstances, he mentioned several others of a less important nature; one in particular, to shew the predilection which the Admiralty-board had manifested in respect of ordering admiral Keppel to be tried, though his accuser the next day but one, after the order was issued for that purpose, acknowledged in the face of the nation in that House, that he brought his accusation merely from motives of self defence, and merely to exculpate himself from a charge of disobedience made by his commander in chief.

As a farther proof of the partiality of the Admiralty-board, which he considered to be entirely influenced, or rather directed by the noble earl, he said, four of the members sitting upon the trial of the vice-admiral of the blue were persons, who on the former court-martial, had given the most favourable testimony respecting his conduct in the action off Ushant; and likewise, that the persons summoned to give evidence were such, who either knew least from their distance from the Formidable, or were otherwise less positive or direct in their testimony.

This led him to the effect probably intended to be produced by this trial, which originated in motives of revenge to his hon. relation; for if by any management, the vice-admiral should be acquitted, the inference would be, that having done his duty, there must have been misconduct somewhere, which he was persuaded they would endeavour by this oblique manner to lay to the account of the commander in chief.

When he said this, he begged that gentlemen might understand, that he meant not to throw the least suspicion, much less a direct imputation upon the officers alluded to. He stated the fact as it struck him; and it was fair to argue upon it and reason by analogy to the conduct of other tribunals. He understood it was a good ground of challenge to a juror, if he was even suspected of entertaining a bias one way or other. He thought it a very proper precaution, and the reason was obvious; because the law presumes, that the juror is wholly to be guided by the evidence of the facts alleged or controverted, and not by any pre-conceived opinion of his own. The tenor of his oath is the same with that taken by a

member of a court-martial, who is restricted by it, to give a verdict according to the evidence adduced in court, and not from any opinion formed upon his own knowledge or presumed knowledge.

As a farther reason for his being persuaded, that the noble earl all along acted from the same principle of secret enmity and resentment to his hon. relation, he observed, that after one of the most respectable courts-martial that ever sat, had pronounced the charge brought by the vice-admiral of the blue to be malicious and ill-founded, ministers took no one step to shew, that they were convinced of the justice of admiral Keppel's acquittal, or of the infamy with which his accuser had been branded by that passage in the sentence of acquittal, nor would since, if he had not given notice, that he meant, as the next day, to make a motion, which they learned was intended for the vice-admiral's removal. When that day arrived, instead of expressing a syllable of disapprobation of sir Hugh Palliser, a noble lord (Mulgrave) who enjoys a seat at the Admiralty-board, rose and acquainted the House, that sir Hugh had sent in his resignation, and that the board had accepted it. Still, however, he retained the lieutenant-generalship of the marines, and his government of Scarborough castle, till ministers again learned, that a motion to remove him from those two posts was meditating. Here they found themselves compelled to do what they feared might have been forced upon them. Accordingly the noble lord in the blue ribbon, with no small share of visible reluctance, found out, that sir Hugh Palliser had tendered a resignation of his command in the marines and his government, and that his Majesty had been pleased to accept them. In short, he believed, there was not a second instance in the annals of this or any other country, of a person who had been so publicly disgraced, being permitted to retain places of such rank, emolument, and consequence, without any intention of removing him, till by an unexpected address to the throne for his removal, the consequences of which his Majesty's advisers did not think prudent to risk, they found themselves obliged to acquiesce.

He laughed, he said, at the pompous accounts of our successes in the East and West Indies, which made their way into the London Gazette, and said, they were of very little consequence, when it was considered how dearly they were purchas-

ed; particularly the latter, where one half of the troops were dead or dying in hospitals; nor did he think the news just received from Georgia, was of consequence sufficient to balance the hazard and expence attending it. He said, he understood that colonel Campbell was arrived from Georgia the night before, and had brought an account of a victory gained over the Americans, but this victory came accompanied with a requisition for an immediate reinforcement. Our very victories and successes were nearly as fatal as our defeats. The troops under general Grant, the finest and best disciplined in the world, must return to America or Europe, or remain only to fall a prey to disease and the effects of a noxious climate; and the return of the second officer in command from Georgia, was a demonstration, that the expedition to that province was planned in weakness, and under the mistaken idea, that the body of the people were attached to the British government. He said, that the force was inadequate either to effect conquest, or give that degree of protection which was necessary to unite the loyalists or neutrals to the royal standard.

He protested before he sat down, that he entertained no personal pique or resentment against the noble lord at the head of the Admiralty. His motives proceeded from his zeal for the good of his country. Uninfluenced by factious or party views, he stood forth in behalf of the state, which, if not rescued out of the hands, to whom the reins of government were entrusted, must certainly be ruined,—he feared irretrievably undone. The part he had taken, was disagreeable and painful on many accounts; so much so, that nothing could have urged him to it but a thorough persuasion, that the present or some similar motion, presented the only probable means for saving the nation, and for the recovery of its former power, reputation, and glory. He finally moved, “That an humble Address be presented to his Majesty, that he will be graciously pleased to remove from his presence and councils John earl of Sandwich, as first commissioner of the Admiralty, on account of the general ill state of the navy, under his administration, at the most critical seasons.”

Lord *Mulgrave* said, he was in a very ill state of health, which he hoped would be admitted as an apology for his appearing unequal to the task of following the hon. gentleman through all his arguments.

He said, he had not any intention of speaking so early in the debate, but something had fallen in the course of the hon. gentleman's speech, which ought not to remain a moment unnoticed, much less ought it to go out of the House unanswered. His lordship then, with warmth, reprehended Mr. Fox, for having been so rash as to attack the honour of the officers of the navy, by insinuating that the present court-martial were not likely to discharge their duty with fidelity and honour. The hon. gentleman's expression in substance was, “that there were four members of the court, who on the former trial had given favourable evidence respecting sir Hugh Palliser.” What was this but to insinuate, that those officers would act partially? Did the hon. gentleman see the extent of his insinuation? Did he feel that it was an attack of the most serious, the most unwarrantable nature? Could he, could any man suppose that the gentlemen now sitting on the trial of sir Hugh would disregard the most sacred obligations, and be swayed by any prejudices, to act contrary to justice? He had not patience at the suggestion, nor could he repress his amazement that any gentleman should hazard such an attack upon those brave men now at Portsmouth, to whose services this country had been so much indebted. [Mr. Fox shaking his head all this time, in token that the noble lord had misunderstood him.] His lordship said, if the hon. gentleman did not mean his expression in the sense I take it, I shall rejoice at having given him an opportunity of recalling it, and explaining what he did mean. It must strike every person present, to be either a wanton make-weight, in the catalogue of charges against the noble earl, or a base attack on the honour and character of the officers on the court-martial. To me it appears thus; the blunderbuss was loaded some time since, and it was intended to be discharged as this day. It was hoped, however, that there would appear some colourable pretext for letting it off. No such pretext appearing, the gentleman was determined that the preparation of his materials should not be in vain. The intention of having it published to-morrow in the newspapers, accompanied with a misrepresentation of what I say, was doubtless the wish of the hon. gentleman when he let it escape him; but I hope every man who hears me, will do me the justice to acknowledge, that I took the first opportunity of rescuing the

characters of the officers now on the court-martial, from the virulence and injury of so base an insinuation; an insinuation which no man would have made, had he not been totally ignorant of all military feeling.

As soon as his lordship grew cooler, he declared, that the Admiralty had nothing to do with the present court-martial; that it was convened in conformity to the act of parliament; that the judge-advocate, totally independent of any interference of the Admiralty, summoned the witnesses, and proposed the questions. If there was any thing in the present court-martial, which could in any degree be deemed management, he alone was the guilty person, and the whole blame ought to rest on his head. At the moment he incurred the blame, if any were due, he was determined to meet the consequence; he would not, therefore, hesitate to tell the House to what he alluded—it was this: in point of strict propriety, he ought to be at Portsmouth, and on the court-martial, but knowing the rage for detraction, calumny and abuse, which now prevailed, he had solicited leave of absence, and it was granted to him; had it been refused, dearly as he loved the service, and attached as he was to the gentlemen and crew of his ship, he would sooner have quitted the navy, than have incurred the attacks that he well knew would have been made upon his character, if he had sat upon the court-martial.

His lordship went into a long defence of the earl of Sandwich, replying to several of Mr. Fox's assertions, and declaring that he was amazed at his present motion, after so many detections; he said, he could use no word so proper as the word detection, when he considered how often the hon. gentleman had come to that House, and endeavoured to persuade the House that what he took upon him to assert were facts, when he had not produced a single proof of any one of them, and most of them had by other gentlemen been proved to be ill-founded. He had heard that two negatives made an affirmative, but he had never heard that five or six resolutions, each of them declared to be not true, amounted to one general truth; that to him, who did not pretend to be so ingenious as the hon. gentleman, it by no means appeared to follow, because every preceding resolution had been rejected, that therefore the House ought to adopt the present motion, but exactly the con-

trary. He added that the noble lord, so far from meriting censure, merited great praise for his official conduct. When he came to the presidency at the Admiralty, there was not a year's timber in any one of our yards, no stores in our arsenals, and the whole navy in a perishing state. The noble lord, by his activity and sagacity, had entirely altered the case; he had broken through a combination of the timber merchants, by beginning an importation of foreign timber, and now there was at least timber enough for three years consumption in every one of our yards; our arsenals were also full of stores; our navy had a greater number of large ships than ever, and was not only in a respectable but in a flourishing state. If the motion were likely to pass, he should move to leave out the last words, and to say instead of them, "the navy being in a better state than ever." His lordship concluded with saying, that there was not a more able, active, or knowing minister, than the present first lord of the Admiralty, nor one who deserved better of his country.

Mr. Fox rose in reply, and answered the personal part of the noble lord's speech. He said, he thought there was not one gentleman present, who could have so misunderstood and perverted his meaning. He disclaimed the most distant idea of either insinuating or charging any one of the members of the court-martial with partiality, much less with the breach of so solemn an obligation as an oath; neither his words, nor the sense in which they were employed, admitted of any thing like it. The words "favourable testimony," seemed to make a very extraordinary impression on the mind of the noble lord, unless his lordship presumed in all possible cases, that a favourable opinion of the vice-admiral of the blue, involved in it a degree of guilt. He was as ready as the noble lord, to acknowledge the high professional and personal merits of the gentlemen alluded to. He was persuaded, that no men possessed nicer feelings of honour, nor were more tenacious of preserving every appearance of impartiality, which their judicial situation required. He had the honour of a personal acquaintance with them; he spoke therefore with the greater confidence. He presumed, that the other gentlemen who constituted that court, though he knew their characters only by report, were equally so; but what he first said, he did not yet retract, that no man was fit to be a judge upon an event of life

and death, or indeed in a matter of mere property, who was known to have any bias one way or the other. Such a presumed bias no more imported wilful partiality, than it did any thing else; and he was ready to appeal to any one gentleman present, learned in the law, whether the whole system of English jurisprudence, and every form and mode of proceeding incident to the exercise of it, did not militate in the strongest manner against the admission of any person, to be a judge on merits of which he was known to have formed a previous opinion? Such a wholesome provision in the manner of legal proceeding, was wise, and founded in reason, because it operated towards the attainment of substantial justice, and no more impeached the honour or integrity of persons under such circumstances than it did on the account of any other sentiment or opinion they might entertain, though not at all connected with the subject matter. But his words did not go that length; he had not stated a previous opinion as the ground of objection; he only mentioned a favourable testimony, as applicable to the Admiralty-board, not as applying to the conduct of the gentlemen themselves, to shew that the board ought to have avoided every thing, which could be interpreted into an appearance of partiality.—There was an expression which fell from the noble lord, that he wished to hear explained; because, as it now remained, it seemed, in his opinion, to require explanation; it was where his lordship charged him with being a stranger to military feelings. If the noble lord meant that he was ignorant of the profession of a seaman, he acknowledged it; but if he presumed that he did not feel as an officer, when those feelings were supposed to apply in common to the sentiments of an officer and a gentleman, he wished the noble lord would avow it; or explain what he meant; because, in one event he should rest contented, and in the other know what was proper to be done, and to take the notice of it, which such a charge deserved.

Lord Mulgrave said, he would not recede, but would plead example in justification of what he had said. He meant the example of the hon. gentleman, who, upon almost every occasion, shewed a disposition to depart from the subject of debate, and to indulge himself in the most indecent and ill-founded invectives. He was satisfied that the hon. gentleman had no intention of traducing the characters of

the gentlemen alluded to; and he was sorry that he had not so expressed himself, when he was first up, as to have prevented a possibility of his being misunderstood; though he was still of opinion, that the words fairly admitted of the interpretation he had put upon them. Warranted as he was from what had passed, till the words were explained, he was not at liberty to interpret them in any other manner; now they were explained, he was ready to receive them in the sense they were intended by the hon. gentleman. While he was up, he would however take the liberty of making one observation; that in matters of such delicacy, where the honour and reputation of absent persons were concerned, he thought it behoved that hon. gentleman, who was so prone to exercise attacks of this kind, to be more measured in his language, and not throw out facts and insinuations at random, which either directly, or by inference, might affect the reputation of professional men, whose greatest treasure and boast was a character of probity, and a nice sense of honour.

Admiral Keppel rose next, and confirmed almost every thing which had been mentioned by the hon. gentleman who made the motion, respecting the force in Brest water on the 20th of June; and the unkind and ungenerous treatment he had received from the Admiralty-board, to whom he had openly and without reserve communicated his most secret thoughts and opinions, though he confessed he never looked upon any of them to be his sincere friends. But he acted not upon motives of favour. His sovereign and his country called upon him, and had a right to his services, and he could fairly lay his hand on his heart and say, that he had done his utmost; and if the operations of the last campaign had not turned out equal to the public expectations, he was fully conscious that he had acted with the warmest zeal to the utmost of his abilities: and although he widely differed in political sentiments with the King's servants, he defied any one of them to quote a single instance, in which those sentiments mixed with the discharge of his professional duty.

He confessed his situation was proud and flattering, to be singled out from among several officers of much superior merit; and the distinction, were it possible to inspire more zeal and activity in him, was such, as must have made very strong impressions on any man. He felt how much he stood indebted to his sove-

reign and the nation, and it might be readily conceived what a contrasted situation he must have felt himself in, when brought to a trial for his life, as the only reward of his poor services; and still, if possible, a more mortifying consequence, what he must have experienced, when he found himself driven from the service by necessity; for surely no person would seriously contend for a moment, that he ought to have retained his command, while his life, his honour and reputation were in some measure within the power of the same men who had successively made attempts on each of them. He said, if these impediments had not so directly stood in the way, the conduct of the Admiralty-board betrayed the same spirit of implacability, and the same desire to get rid of him, since his actual disgrace could not be effected. Ministers knew for some weeks previous to his setting off for Bath, for the recovery of his health, of his intention to go. They permitted him to go; and as soon as they found that he had left town, and had of course made the necessary arrangements for the restoration of his health, they sent one letter, and never followed it with a second.

He thought that their enmity had been satisfied in first bringing to a public trial, and afterwards driving him from the service; but it was, it seems, not sufficient. In the trial now going on at Portsmouth, they were by a side-wind trying him a second time, and endeavouring to disgrace the very able officers who had acquitted him; and since they could not convict him in a direct, they were using the most unremitting endeavours to condemn him in an indirect manner; but, thank God, their arts would fail of effecting their intentions. If they tried him every day, he was certain that they could fix upon him no charge of incapacity or breach of duty. The transactions of the 27th of July, though they might be misrepresented, could not be concealed. There were too many witnesses, men of honour and character, and of independent principles and spirit, present on that day, whom no favour could tempt, nor no motives but those of truth and justice influence, with whom he would be ever ready to deposit his professional character; for in them he always was persuaded he should find the guardians of his honour, and the friends of no man or party, but of truth and justice.

He made several observations on the language of an hon. gentleman in a pre-

ceding debate (governor Johnstone) who had charged him among others that had avowed their intention of declining the service, that when any man became too great for the state, he ought to be convinced that he was no longer worthy of employment. This, he said, was a very unfair and cruel insinuation. The same hon. gentleman had given a decided opinion on his conduct, respecting his first return into port, for a reinforcement. He wished the hon. gentleman had considered both circumstances before he ventured to decide so positively on his motives for declining the service in one instance, or his conduct for returning into port in the other. The question in the first place was, if called upon to serve, whether he could have done it with any prospect of success? The hon. gentleman's argument did not come with any peculiar force, because, in the instant he was observing that officers ought not to be permitted to be too great for the state, he found fault with him for returning into port, and with his general dispositions in the day of action, presuming that he himself, were the battle to be fought again, would fight it in a better, or in another manner.

Here was an argument there was no escaping; "It is wrong to employ you; you might have fought the battle in a better and another manner, and you should not have returned into port the first time, because you neither knew whether the French were superior, or if you did, you should nevertheless have met them. But though we impeach your military skill, and charge you with a want of zeal, still, if you do not serve, you are thereby attempting to sow faction and discontent in the fleet." The whole of which, drawn into an abstract proposition, applied to me and a noble lord over the way, amounts to this, that no officer ought to be permitted to become too great for the state, because he refuses to serve under men who have proscribed his honour and reputation.

After several reasons given in detail, why he could not trust the ministry, particularly that part of it, with which he must be more immediately connected, he declared his readiness to do it, if properly called upon. He was, and ever would be at the service of his sovereign and his country, and he had no liberty of his own, whenever his services were thus called for. He said, he was not present at the debate in which an implied charge of mutiny had been made against him and the captains

who met to address the King. He was then at Bath, but he understood that the charge was made by the same hon. gentleman who had condemned the rest of his conduct. That, as well as every other assertion and interpretation put on his conduct, was misrepresented. He did, it was true, meet several officers of rank and reputation; but so far from desiring them not to serve, he pressed them to serve; and as well as he was able, pointed out to them the impropriety of declining the service at such a critical juncture. He was amazed at the word "mutiny" being used by any hon. member; but he had learned from experience, not to be surprized at any interpretation but the true one being put on his conduct. He could, without any impeachment of his duty or his honour, promote such a mutiny any day; and if he desired the captains, as he did in the instance alluded to, to serve their country, he presumed it could be no crime in the opinion of any, but those who were predetermined to censure every part of his conduct.

He complained of the attack made upon him by the vice-admiral of the blue, in the newspapers: and the continual misrepresentations which were circulated without doors to his disadvantage. He valued them not, thank God, and would always abide by the sense of his country, as there was nothing he more sincerely wished than to have himself judged in that manner.

He understood, that in the course of the last debate, the noble lord in the blue ribbon had justified the not sending a squadron into the Mediterranean on a presumed advice of his, that it would not be prudent to detach. It was very true, he gave it as his opinion, considering the inadequate state of our naval force; but he begged leave to say, that such an opinion did not imply any approbation of the measures which created the necessity of not detaching. It was likewise urged, that his opinion, that a squadron could not be spared to block up the French fleet in the Mediterranean, was understood as a disapprobation of detaching at all. Nothing could be farther from his thoughts than either to send too large a detachment at one period, or to send it too late. Though we could not spare 13 ships, we might have detached five: by that means, lord Howe would have been rendered superior to D'Estaing, and the other eight ships of the line would have been such an augmentation to the western squadron, as would

have rendered it equal, when he first went to sea, to that of France, and have given him a decided superiority in all the subsequent operations of the summer.

He mentioned the superiority of the French to his squadron, when he first went out; and said, he was astonished how any man could doubt it, after the proofs of the fact, which had already been exhibited; but much more that ministers would do so, when they knew that he could prove they were fully informed of the fact. He observed, that no man had more freely or unreservedly dealt out his censures upon administration than the hon. gentleman under the gallery (governor Johnstone) and yet he understood he was again going out under their auspices. He did not presume to find fault with the hon. gentleman's resolution; but he could not help presuming that he entertained more favourable sentiments of the wisdom and ability of administration than he seemed willing to acknowledge. He then entered into a review of the conduct of lord Howe, bestowed upon it the highest encomiums; and affirmed, if it had not been for his superior skill and ability, our naval force in America would have been destroyed or taken; and that the greatest and most fortunate exertions of the noble lord must have failed, had D'Estaing either arrived at the mouth of the Delaware a few days earlier, or had proceeded directly to New York.

Governor Johnstone entered into a justification of his former speech. He differed in opinion that it would have been safe for D'Estaing to have proceeded directly to New-York, or have remained there, when he was not sure that the first prospect each successive morning might have presented, would not be the united fleets of lord Howe and Mr. Byron, in which case his ruin would be inevitable. He contended, and would ever contend, that lord Howe was equal to D'Estaing off Rhode Island; and that although the French admiral had arrived in the Delaware, such were the natural defences and obstructions to the navigation of large ships up that river, that both the fleet and the army would have remained perfectly safe. He denied that he had made any personal attack upon the hon. admiral when absent. He gave his opinion fairly, and without reserve, as a member of that House. What he said, was founded upon facts of public notoriety, such as, that the admiral had so many ships, the French so many.

and that such was the issue of the contest of the 27th of July. Those were matters which a professional man might speak of with some confidence, though not with certainty. They were facts, every man was at liberty to reason upon. He said, that whatever his opinion of administration might be, he could not come into the ideas of opposition; a separation between Great Britain and America was a measure he would never consent to, as long as the least prospect of success remained. He was certain that such a political connection as was proposed, in which the rights of both countries were acknowledged, would be equally beneficial to them; while a separation would be no less fatal. It would amount not only to the relinquishing of the trade and commerce of that country, and the consequent decrease of our naval power, but would add proportionably to that of France in each respect.

He said, he heard with joy and great inward satisfaction, his opinion in respect of sending out a reinforcement to lord Howe, receive the approbation of the hon. admiral. He spoke to the propriety of that measure, and voted for the censure of the Admiralty-board, merely for their neglect in that instance. It was plain by the hon. admiral's avowed opinion, that administration could not safely detach a sufficient force to the Mediterranean. It was equally evident from the same authority, that they could have spared five ships, which would have been enough to have given the noble lord a decided superiority; nor was it less clear, that in neglecting to do so, they had betrayed the greatest incapacity.

The censure of ministers for sending out the hon. admiral with 20 ships, was not, in his opinion, well founded, unless it could be proved that more were ready. If they sent a smaller, when they might have sent a larger force, they were highly to blame; if they could not, all circumstances considered, he thought the measure very justifiable. At most, if any blame was due, it could be only on the ground, that the detachment under Mr. Byron was too large, and from that circumstance, the squadron for our home-defence and the protection of our returning trade fleets, was unnecessarily weakened. Combining these two circumstances, he partly agreed with the hon. admiral; but on the supposition, that it was necessary to detach 13 ships of the line to reinforce lord Howe, the other measure, that of sending out the hon. admiral

with 20, was, in his opinion, every way defensible.

He avowed his wish to serve, and his readiness to accept of any command which administration thought proper to entrust him with. It was a season when the state called upon the services of every man, of every party, whose abilities or habits of life, or profession, rendered him a fit person to be called upon. As long as the war was a war upon the rights of Americans, and upon the liberties and privileges they were entitled to as British subjects, he was determined to decline his most favourite pursuit, that of his profession; but as soon as France interfered in the contest, the nature of it was totally changed. It was not now a war with America, but a war with France, allied with a part of our own subjects, the object of which was the destruction of England. In that light alone he should even hold it; and in that light, he, for one, thought that no man could withhold his services from the state, without tacitly acknowledging himself to be very indifferent as to the issue. Our situation was, he confessed, difficult and dangerous, but was nevertheless accompanied with a variety of circumstances, which held out prospects of success and better times. He described the state of America, the weakness of the usurped government established there, the total inability of France to give the colonies any succour or assistance; the destruction of the French commerce; and a variety of other matters to shew, that America, in case the operations of the ensuing campaign were pushed with spirit and vigour, would of necessity be compelled to submit and accept of reasonable propositions, for a permanent accommodation of all the subsisting difficulties.

He advised ministers to lose no time in the necessary preparations, for a vigorous campaign in America; for if either the troops meant to be sent thither, were deficient in number, or sent too late, it would be much better not to send them at all. The consequences would, and must be one or both of these: that nothing decisive could be attempted with an inadequate force; and that even with an adequate force, collected too late, no effective or general plan could be carried into execution. He hoped to hear or see no more ridiculous campaigns, which served only to lavish the money and the best blood of this country; that whatever was attempted would be speedily attempted;

and that in such a manner, as to promise every rational hope of success.

He entered into a defence of the Admiralty-board, respecting their treatment of lord Howe and Mr. Keppel. He said that if they refused to serve under that board, it was not the fault of the board; for it had no power that he knew of, to force them into the service. The Admiralty-board were not answerable for the contents of the letter published in the newspapers, and signed 'Hugh Palliser;' nor did he think when every other mode of redress was refused, that a newspaper was an improper channel of conveying the sentiments of persons, who thought themselves aggrieved, to the public eye. He instanced the case of lord Chatham, on the motives of his resignation, and of his accepting of a pension for himself and family, and a barony for his lady and her heirs, in a letter to alderman Beckford, which was circulated in all the public prints; and of a Roman emperor, who being libelled, answered the libel by a publication affixed on his palace gates. He instanced the case of the late lord Anson, admiral Ho'bourn, and the present lord Hawke, who were severally sent out with squadrons inferior to those of the enemy, who never impeached the conduct of those who sent them out, or turned the circumstance into a ground of accusation. He went into a variety of observations of less moment, and said he could not give his assent to the motion proposed by his hon. friend, as there did not appear sufficient evidence of the facts on which the censure of the noble earl's conduct was avowed to be grounded.

Mr. *James Greenvile* stated several computations respecting the naval force of the present day, and that of a similar period during the late glorious war, to prove that although greater sums had been expended the three first years of this war, than the three first years of the former, our navy was not nearly in so respectable a condition. He mentioned the criminal neglect of the Mediterranean, and said we must expect the loss of Minorca and Gibraltar. He drew a picture of former administrations, particularly that of Mr. Pitt, afterwards earl of Chatham, which he contrasted with that of the present; and begged that fortune might not be supposed to have any hand in either, because the causes in each period according to the general course of human occurrences must have produced the effects which followed:

weak measures, ruin and disgrace; those planned in wisdom, and conducted on the principles of the constitution, which were all directed to the public good, fame, honour and success. He presumed there was not a person present, who seriously doubted, whether proofs had not been laid before the House, fully sufficient to justify the present vote.

Lord *Howe* answered lord *Mulgrave* as to several particulars. He denied that the two ships of the line were intended as a reinforcement, one of them being sent with the commissioners and ordered to return with them should they make no stay, and without them if they should; and as to the other, the *Eagle*, being ordered home with him, it rendered the force equal to what it was before those ships were sent out; so that on the whole, the reinforcement stated by the noble lord amounted to just nothing. He then replied to governor *Johnstone*. He said, that the army could never have made their retreat good from Philadelphia, if D'Estaing had arrived a few days earlier; that the Delaware would have been blocked up; and that the supply of provisions being cut off, the army under sir *H. Clinton* must either have been starved or be compelled to force their way to New York, under every possible disadvantage: or supposing that the army might have gained New York without any considerable loss, the force under his command in the Delaware, deprived of their co-operation, must have fallen into the enemy's hands; the consequence of which must be, that by the assistance of the rebel army and the additional force, D'Estaing might have avoided an engagement with Mr. *Byron*, or met him with a confessed superiority, some of his ships having been separated from him in the gale of wind on his passage from Europe. —As to his force being equal off Rhode-island, to that under the command of D'Estaing, he denied it; and begged leave, once for all, to contradict the hon. gentleman's assertion. It was neither equal in point of number of ships of the line, or numbers; and it was in his opinion to the last degree absurd and impracticable, to talk of a line of battle; and in the ideal arrangement of it, to state fifties and forties being brought into the line, and supposing that they could lie alongside 74's, and large French 64's. The particular instance, on which the hon. gentleman so much relied, of an English

50 (the *Phoenix*) engaging a French 74, afforded no good ground for so wild a conjecture; and he would recommend to the hon. gentleman, should he be called into actual service, not wantonly, upon the presumption of superior skill or courage, to risk too much upon those circumstances; for if accidents proved sometimes favourable on one side, it furnished a fair argument, that they might prove at another time equally favourable on that of the enemy. His lordship then entered into the detail of the 27th of July, and observed, that in operations of great magnitude, too much stress should not be laid upon the circumstances of superior skill and bravery. It was a mistaken doctrine; and one that he never liked to hear urged with too great confidence. It was wrong to despise an enemy on those accounts; for what he deemed and always should, the best pledge of success, was an equality of force. The British navy had often triumphed with an inferior force. It was not, however, always the case: for his part, he would trust to an equality; he would not be deterred from his duty, though a superiority was against him; but as a seaman, when an equality or superiority of force could be procured he would ever prefer it.

Lord North replied to Mr. Fox, upon the precedent of Mr. Wilkes's expulsion on which he seemed to lay so great a stress. The precedent, that he had been expelled upon an aggregate charge, consisting of four separate articles. First, for a republication of the *North Briton*. Was not that fact known to the whole kingdom? Was not he legally convicted in a court of law? Was not that gentleman convicted upon a similar charge, respecting the *Essay on Woman*? Had not he avowed at the bar of that House, that he was the author of the libel on a noble viscount, then in high office? and was not his outlawry upon record, though from some circumstances of informality, which arose in the course of the proceedings, the outlawry was reversed? He begged the hon. gentleman to consider, whether any one of those charges could be controverted, much less denied; three of them were matter of record, and the fourth was founded in that species of evidence, always received as the best and most conclusive; the confession of the party accused, in the presence of the judicature, which had cognizance of the offence, and who were to determine upon the truth of the charge,

that was to lead to the punishment they were about to inflict.

He then proceeded to examine the nature of the proofs of the respective charges, on which the hon. gentleman had founded his present motion. He had accused the noble earl with deceiving the nation in November 1777, by affirming that there were at that time ready or nearly ready for sea 42 ships of the line. Had the hon. gentleman proved, that there were not? No, certainly, he had not; on the contrary, the affirmative had been proved, over and over again, in the course of the debates on the subject. The next charge was, that we were not equal to France in June, and the proof was, that admiral Keppel sailed early in that month, with only 20 ships of the line, while there were 27 or 32 ready to proceed to sea from the harbour of Brest. To this he would give a direct answer, that both the fact and the consequence on which it was founded were equally void of proof to support them. For it might with much more justice be asserted, that the naval force of this country, was fully equal to that of France in June; because when Mr. Keppel sailed from Plymouth, there were not more than 17, at most 20, sail of the line, ready to proceed to sea from Brest water. Here his lordship went into several arguments to maintain this position, such as that the papers found aboard the *Licorne* and the *Pallas*, contained no specific proof whatever, only a mere paper of anchorage, without date, which might be presumed to bear relation as well to a former or future arrangement; but what put the matter past doubt in his mind was, that D'Orvilliers looked upon himself to be inferior to the western squadron, otherwise he never would have stayed in harbour, while he was convinced that he had a superiority of three to two over an enemy, then stationed off the coast; and waited from motives of inverted policy, till that enemy was in a situation to meet him upon equal terms.

His lordship then defended the propriety of not detaching earlier, or not sending a squadron to Gibraltar, in order to block up that of D'Estaing, and thereby preventing him from proceeding to America. The hon. admiral who lately spoke, acknowledged frequently that it would not be prudent to send a fleet to the Mediterranean; and for his part, he was equally clear, that it would be a very hazardous measure to have detached Mr. Byron, on

the service on which he was sent, till it was first known what course D'Estaing had taken; till it was known that he was in his way across the Atlantic, or meant to have joined the Brest fleet. The hon. admiral had acceded to, or rather confirmed, these reasonings, in the course of his speech; but said, why not send five ships to enforce the noble lord, then commanding in America? And the noble lord himself had confirmed this argument, by saying that he was inferior to D'Estaing. He begged leave to answer both these objections. To the hon. admiral, it was enough to answer, that the noble lord was equal, if not, nearly equal, to D'Estaing; and that ministers were fully justified in hazarding trifling inferiority, on the part of the noble lord, so long as they remained in a state of suspense, concerning the destination of the squadron under D'Estaing. To the noble lord, who had said that two ships which composed part of his squadron made no addition to the strength of the naval force in America, it was sufficient to observe, that in the situation he was in, apprized of D'Estaing's supposed destination, he would never have permitted the ship which carried out the commissioners, to return, nor come home in the *Eagle* himself, when he must perceive, that the reducing the remaining force, would have been little short of devoting it to the enemy, which in that event, must have been manifestly so far superior, as to cut off almost any well-founded prospect of successful resistance.

His lordship passed several handsome compliments on the noble lord near him (Mulgrave); said he had stated the matters now cursorily mentioned by him, in a manner which rendered his rising very unnecessary, had not the hon. admiral and the noble lord pressed so strongly the necessity of sending out a small detachment, in order to give the noble lord last mentioned a superiority over D'Estaing. His lordship said he must take notice of the language of the hon. admiral, whose principal complaint against the noble lord at the head of the Admiralty, and the rest of his Majesty's ministers, and which he assigned as a very strong motive for his declining to serve, was, that he was not begged and entreated and supplicated to serve. He assured the hon. admiral, if he knew that no other impediment stood in the way, he was so well apprized of his great abilities, and so anxious to see them employed in the service of his country,

that instead of writing one letter, he would have advised the writing of a second and a third, in order to effect so desirable a purpose; and he was certain, so would every one of his Majesty's servants. He had to lament that he did not know in time, that all the hon. admiral wanted to induce him to the performance of his duty was, to be begged and entreated; for he assured him, as far as he had any voice or influence in his Majesty's councils, no ground of complaint would have remained on that head.

To that part of Mr. Fox's speech which contained a charge of partiality and enmity in administration towards the hon. admiral, he next replied; as it could not be the interest of administration to persecute or prosecute Mr. Keppel, so now it was not their wish, to either screen or exculpate sir Hugh Palliser. Ministry knew nothing of that gentleman's intended charge, till it appeared in the shape of a specific accusation, formally preferred to the board of Admiralty; nor was there the least intention of shewing any favour or indulgence to sir Hugh, but what he was entitled to from principles of humanity and justice. His lordship observed that no accusation having been made, the Admiralty board, upon what came out in evidence on the hon. admiral's trial, thought that the minutes on that trial afforded sufficient matter on which to ground an enquiry into the vice-admiral's conduct; they held it their duty to do so, and in his opinion nothing but the most malignant disposition, factious malice, and party rage, could have led any man to conclude, that either the noble lord, or any other member of administration, had interfered in the difference which arose between the admiral and vice-admiral. It was to the last degree absurd and monstrous; it was indeed a malicious and ill-founded accusation, to say they did, and could only have originated in the rage and disappointment of party, and in the most extravagant frenzy and fury of faction.

He perfectly corresponded in sentiment with the noble lord (Mulgrave) that it was cruel, ungenerous and indecent, to attack men in the performance of their duty; and an act of duty too, very far from being pleasant, that of sitting on the life and honour of a brother officer. It was the last species of persecution towards a fallen and unfortunate man. It was an unjustifiable attack upon the characters of

professional men, and could be designed for no other apparent purpose but deterring them from the performance of their duty, by holding out the alternative of either consenting to convict, perhaps an innocent man, or of submitting to the obloquy of having been so far influenced by partial or corrupt motives, as to sacrifice every thing which they should hold dear as men or officers, the preservation of their honour and a due regard to their oaths.

He spoke of the remonstrance, signed by the naval officers; and said though there were several signatures to that paper, which he ever had and ever would revere, he was free to say, that it gave a very dangerous example; and was in its nature subversive of all discipline and subordination. If appeals of such a kind were promoted or encouraged, no person could say where they might end, or whether in time they might not be extended to every subordinate rank and class of seamen, and instead of promoting the purposes which it affected to recommend, be productive of mutiny and disobedience. His lordship concluded with saying, that, as nothing which went to the aggregate charge had been proved; or taking the matter fairly both formally and substantially, as every separate charge had been disproved and negatived; so it required no argument to shew that an aggregate of a thousand negatives, could never be made to amount, in reason or justice, to a single affirmative.

Admiral *Keppel* repeated, that although the home service would not admit of a large detachment for either the Mediterranean or America, nevertheless five ships might have been spared early enough to reach America before *D'Estaing* reached it; which would have had the desired effect; that of giving him a superiority at his going out the first time, and in the course of the whole summer after, as well as lord *Howe*. He would, by that means, have gone out with 28 instead of 20 ships, and after his reinforcements reached him, he would have had a force of 40 ships of the line, which would have been such a decisive superiority, as must have blocked up *D'Orvilliers*, or, if he had ventured to come out, would, in all human probability, have ended in his destruction. The noble lord in the blue ribbon had affected to be very witty at his expence; he was very glad when any thing which fell from him furnished an opportunity to the noble

lord to display his wit, which it was acknowledged on all hands he could exert at will; but since the noble lord had been indulged in his witty ironical strictures, he begged leave to observe, that so far from saying that he desired to be begged or intreated, he did not even insinuate any such wish or expectation. He complained, that, in his acquittal, he received a cold letter. He complained, that another had been sent to his house in his absence, when it was known he was out of town for the benefit of his health, and that no further notice had been taken of him. Now, he could not perceive any thing in this short, but plain narrative, that indicated a wish or desire to be begged, supplicated, or intreated. He stood fairly in the opinion of every professional man, whether this treatment amounted even to a common encouragement, such as should accompany a trust of such importance, for him to resume his command; or whether his declining to serve under such circumstances, might be fairly interpreted into a wish to be begged to serve, to be humoured in the petulance and caprice of a child, who required pressing to accept of what he would not take without being intreated and solicited. He assured the noble lord he was no child, however capricious he might deem him; neither did he regard the ministry as children; but if the noble lord wanted to really know why he mentioned the letter, he would fairly tell him, that, at so important a crisis as the present, he did not love to lie still, for he was ready to serve whenever he could do it with security, and upon such terms as he could safely trust to.

Lord *North* said, he did not consider the admiral as a child, and was sorry that he understood him to be in jest when he was most seriously in earnest. He believed the letter alluded to was drawn up in the common forms of office: there was nothing, he presumed, omitted, that ought to have been inserted; and if there was nothing added, the hon. admiral had no reason to charge the letter with coldness on that account. As to the hon. admiral's readiness to serve, it amounted to very little, if it was meant to be clogged with conditions not usually annexed to commands of a similar nature. He was perfectly serious when he expressed a wish for his services; but that wish, he confessed, did not extend farther than the general rules and usages of the service. It was not quite fair to charge administration

with driving him from the service of his country, when, in fact, taking the matter either way, his declining to serve amounted to a direct refusal to serve, if, in accepting the command, he annexed terms to that acceptance not warranted by precedent.

Mr. T. Townshend contended, that every step taken by administration afforded the most unequivocal proofs that the same system had been uniformly pursued, which was a proscription of every officer who professed to be a Whig, or acted independently, or dared, upon any occasion, to differ from the King's servants. He instanced the cold and unkind treatment which the late sir C. Saunders had experienced at the hands of ministers. On the prospect of an approaching rupture with Spain, relative to the dispute concerning Falkland's islands, that gallant seaman was called upon, he believed reluctantly, by ministers. He attended to their call with alacrity, and with that zeal for the honour of his King, and for the interests of his country, for which he was so justly distinguished. When that affair blew over, after the admiral had put himself to a very great expence in necessary preparations, the ships were disarmed, and thenceforward, to the day of sir Charles's death, ministers took no notice of him, but resumed their former coolness and neglect, manifesting the most pitiful resentment, that of neglecting even to make an offer or acknowledgment for the very considerable expence he had been put to. He then gave an history of the treatment of Mr. Keppel, from his being called into the closet in November 1776, to give his opinion respecting the then situation of naval affairs, and the armaments going on in the ports of France and Spain, to the instant he was speaking; and contended, that in every one instance, ministers had acted either in a style of coolness, diffidence and neglect, or directly hostile. He said, no change could be expected which would vary the situation of a professional man. It was the report of the day, that lord Sandwich, after he should be carried through the ordeal, by means of a corrupt majority, was to resign, and give place to lord Hillsborough. What was this but a continuance of the same weak and wicked system? A system merely framed to keep the patronage of the navy in the hands of great lords, who were known to be subservient to the will of the court, to have a

land lord-admiral to command our navy in times of war.

Mr. Welbore Ellis spoke of the advantages an absolute monarchy had over a limited one in times of war. He applied the argument to the conduct of the Admiralty-board, that when hostilities were commenced we had always the worst of it; and that he never recollected a single instance, in which we were fully enabled to exert ourselves till the third or fourth year. In William and Anne's time, history supported the truth of the observation; and in the war in 1739 with Spain, and afterwards with Spain and France, though it continued for almost ten years, we had never struck what might be called a decisive blow, till towards the close of it, when Anson and Warren and the present lord Hawke, had successively defeated the French fleets; the consequence of which was the favourable terms we afterwards procured for our ally, the present empress queen, no less than by much the greater part of Austrian Flanders, then in the possession of France. He spoke likewise of the conduct of the late war, and shewed, that we experienced very little success till the fourth year. The conclusion he drew was, if there had been any apparent weakness in our state of naval preparation and its effective force, it was clearly imputable to a radical cause, inherent in our constitution, which, while it occasioned our first efforts to be weak and feeble, amply counterbalanced that defect, by the additional strength and vigour which it infused into all our subsequent operations.

Colonel Barré passed the highest encomiums on admiral Keppel, whose conduct he contrasted with the partial, cool, and persecuting behaviour of ministers. They had inveigled him into the service for certain temporary purposes; and as soon as those purposes were answered, they conspired to effect his ruin. They imagined, that they could cover the ruinous state and condition of the navy, under that gentleman's fame and reputation as a seaman, and his popularity as an honest independent man. When they had secured that point, they instantly began to plot his destruction. He was equally lavish in his encomiums on the noble lord who commanded in America, and in contrasting his professional merit with the treatment he received from ministers, affirming without reserve, that their great abilities, their integrity, and

their known independent spirit, and love for their country, were the true motives for the neglect and indifference shewn to one, and the persecution and coldness shewn to the other. Besides all their great and good qualities, they possessed a species of professional popularity among their brother officers, more perhaps than any two men ever experienced at one time in this country. It was not a popularity that was confined to the officers alone, or to even the very seamen serving under them; it was universal in every quarter of the globe where a British seaman was to be found. "Little Keppel" and "Black Dick" were the favourites, and he solemnly protested, that he believed, if the whole British navy was to be united in one squadron, or destined to two services, and that Little Keppel or Black Dick were to command jointly or severally, such was the confidence, affection and estimation those officers were held in by the whole body of British seamen, that a press upon such an occasion would be rendered in a great measure unnecessary. They were honest men, that was a crime; they were both able and honest, that was a greater crime; they were honest, able, and independent, still worse; but they were honest, able, independent, and popular, and that was the greatest crime of all. Such men, with such dispositions, were not proper objects of ministerial confidence or attention; servility, flattery, and all the deceptious arts by which the present set of men in power have attained to their elevated stations, and have kept themselves in them, are expected from all their subordinate instruments. A system of so much weakness, art, and villainy, must be supported throughout every part of government: it must be universal, or the whole fabric may fall about the ears of its contrivers and conductors. Lord Howe and Mr. Keppel were not men fit for the purposes which must be effected by such a system: they could not, nor would not co-operate in support of it; and, since ministers were rash enough to hazard every thing upon the issue, he was of opinion, that they had acted consistently and upon principle, in driving those two great officers from the service. But when he gave them credit for this management, he warned them to be aware of the consequences in case of defeat or disaster. The nation, in case of misfortune, would demand justice—the heads of ministers were staked on the issue—they were entrusted

with the executive power—parliament had placed in them an unlimited confidence; they had repeatedly pledged themselves to parliament for the measures they had advised their sovereign to adopt, and should any fatal disaster follow, their heads would be made responsible for the consequences.

The noble lord in the blue ribbon was, he believed, a very honest man, in the sense he understood the expression; that is, he was not a public plunderer; but if on the other hand, he permitted the nation to be plundered of millions before his face, was not he, as the great trustee of the public, much more culpable than those who actually robbed their country and shared the spoil? If there was 200,000*l.* given to this contractor, as much more to another; if every man almost in every public situation, connected with the finances and national expenditure, was permitted to plunder, was not that a blacker crime in the trustee, than it was in any of the subordinate persons who availed themselves of the circumstance of a failure of duty in the principal? He would put the question fairly to the country gentlemen, and to every person of landed property in the House. Suppose that a steward of an estate, who had undertaken its management, and made himself both in law and conscience responsible to render a fair return of the profits, was to pay double for every demand which might be made on that estate; suppose he accepted of false charges, and knowingly allowed them and passed them in account; suppose that he suffered the tenants to run away with their effects before his face, and having it in his power to compel payment, let them off without paying their rent; suppose that he permitted waste to be committed, woods to be cut down, and the houses, offices, and every improvement, to go to wreck and ruin: and to make one supposition more, that he did not touch a single shilling of the spoil; what would be the condition of such a man? Would it not be much more for the advantage of his employer, instead of 50 per cent. loss such a conduct might occasion, that he had been an artful, diligent rogue, who, though he might cheat or take 10 per cent. out of the profits for his own use, would take care that no other person should rob it of a single shilling? If the simile was properly compared, it would be found to be productive of much more mischievous effects, in proportion, when ap-

plied to government; for it was not only the loss of the money, but nothing was well done or faithfully executed. A general spirit of rapine, plunder, and dissipation had gone forth, and in the scramble for the spoil, the interests of the nation were neglected, and its affairs suffered to go to ruin.

He next made an application of these facts to the subordinate offices under the board at which the noble lord, mentioned in the motion, presided; the navy and victualling offices, &c. He did not mean to criminate or defend the noble lord from his being a participant of the spoils so gathered. All he meant to conclude from those facts was, that the noble lord, as well as the noble lord in the blue ribbon, be their hands ever so clean, were more criminal than the persons who shared the plunder. The noble lord, whose removal was desired by the present motion, was, however, pretty notorious. He did not wish to be understood as speaking from his own knowledge. Public report had sometimes a great influence upon his opinions; but general and almost universal report was to him little short of proof positive. Enquire then the noble lord's character as a statesman; look for it from professional men in the navy. Go to the India-house, to Greenwich-hospital, to the church, to the play-house, to his own neighbourhood—what would such enquiries lead to? That Jemmy Twitcher was known well at them all; that his conduct was uniform and consistent both in his pleasures, his amusements, and in transactions of business: and that, like his name-sake in Gay's celebrated opera, whenever he shall find himself hard pressed, that he will 'peach his comrades—that he will be the means of bringing the rest of the gang to justice.

He answered several things which had fallen from lord North relative to the duties of an officer, whom his lordship had described as little better than a mere machine, to be employed by the persons entrusted with the executive powers of the state. He contended, that no man was supposed to surrender his understanding the instant he accepted of a command. A man of such a description was not fit for a command. He must be acquainted with circumstances, otherwise he cannot be a judge of the practicability of the service. He sat down with reminding the House, that the vote of that day would probably decide the fate of the country; earnestly

exhorted them to weigh it well and look forward to the consequences; and observed, that whatever apologies they might have made to themselves, for the implicit confidence they had reposed in the present administration, that pretence no longer existed, as ministers had not only been charged, but fairly and fully convicted, of having abused that confidence, and given proofs of their total incapacity, and of the most rooted enmity and ill-will, towards two of the greatest, and every way the most deserving officers, this country could at any one period ever boast of.

Captain *Walsingham* answered that part of the foregoing speech which was personally directed against the first lord of the Admiralty. No man who ever sat at the Admiralty-board had exerted himself with more zeal, or more effectually, than the noble lord who at present presides there. The hon. gentleman had represented the fleet as in a ruinous and rotten condition, and imputed the chief cause of that state to the using foreign timber. The fact was not so; and if it had, the cause assigned was not founded, for he could assure him, that the Stettin timber had answered every thing asserted of it by the noble lord in another assembly: some part of it was prime, some middling, and perhaps some indifferent; but he could affirm, from his own knowledge, that much the greater part of it was equal to any of native growth, and he was well authorized to affirm, that the Stettin oak, like his lordship's heart, was sound and incorrupt, notwithstanding all the misrepresentations that had gone forth to the contrary. He was not ashamed to avow these sentiments in the face of the nation; they rose from conviction. He had a great esteem for the noble lord, his gratitude urged him to declare it; he was happy to find his sentiments so strongly supported by his judgment. He had no temptation to cringe to any man, be his station ever so exalted; but he was bound as an officer and a gentleman to bestow praise where it was merited. He was an independent man, and was ready to put the smiles or frowns of either side of the House equally at defiance. He then went into a detail of the action of the 27th of July, and passed the highest encomiums on the conduct and military dispositions made by the commander in chief. He spoke warmly in behalf of Mr. Keppel, in reply to the imputed charge of his giving

counenance or fomenting a spirit of dissatisfaction among the officers of the navy. He knew the contrary to be the fact; for in respect of himself and of every other officer with whom he conversed on the subject, he knew that the hon. admiral had particularly exerted his best endeavours, and had pressed his advice upon every officer of rank, to serve; enforcing it with the most cogent and well adapted motives, for effecting the purposes of general union and satisfaction. He sat down with declaring his intention of giving a negative to the motion.

Lord John Cavendish said that the two noble lords and several gentlemen who spoke on the other side, supported their opinions on a false idea, that the vote proposed involved in it a degree of punishment, and consequently demanded proofs sufficient to found a criminal prosecution upon: nothing could be farther from the intentions of his hon. friend and those who meant to support his motion. They knew better; they knew that that House was not competent to punish, and that their power extended only to inquiry. That inquiry might lead to punishment; because the power exercised on such occasions by the House was analogous, but on a proportionably larger scale, to that vested in a grand jury. But even in that light, the present vote did not point so far; it solely was confined to a dismission from a trust on which that House was every way competent to decide. They had given, for instance, their confidence and support to the present ministers, among the rest to the noble lord at the head of the Admiralty. When, therefore, the hon. gentleman spoke of proofs such as would be demanded in a court of criminal justice, or even such as would be requisite to adduce in an inquiry which might terminate in punishment, as in the case of an impeachment, the argument was unanswerable; but it was in the present case totally ill-applied; for it went no farther than withdrawing a trust that had been improperly exercised and abused. The whole of the question, to meet it fairly, amounted to thus much, and no more; and ought to be met in that, and no other manner. On which side do the proofs preponderate? Are the proofs or grounds of the motion equally cogent on both sides? All who think in that manner, he confessed, could give no vote either one way or the other. In the opinion of many, perhaps, the proofs of miscon-

duct were not satisfactory; such would of course vote the negative of the proposition stated in the motion, and so *vice versa*; but it was totally unreasonable to examine the evidence on one side by the most rigid rules of law, and urge the defence as competent, though founded only in the most loose and unsupported assertions.

The House divided: Yeas 118: Noes 221.

Debate on the Duke of Richmond's Motion respecting the intended Court Martial upon Sir Hugh Palliser.] March 31. The Duke of Richmond rose, and said, that nothing but the necessity arising from the expected adjournment, and the intended court-martial, which would take place before parliament again met, should have induced him to make the motion he was about to submit to their lordships. Parliament would rise in a day or two, the court-martial, as he understood, would commence in a few days; so that, if he should let slip the present opportunity, he must forego every other, of bringing the question into discussion. That, he trusted, would be a sufficient apology for his agitating the present question in the absence of the first lord of the Admiralty, whom it might be supposed to particularly affect. He thought it incumbent to attend somewhat to this circumstance, on account of the distressful circumstances his lordship's family was involved in [the recent death of his daughter-in-law, lady Hinchinbroke] were it possible to be avoided. The business, however, would not, he said, admit of delay; it was too pressing, and of too much importance, and the more so, as the point he was going to speak to, exhibited at once the most glaring partiality, and the grossest injustice.

The matter to which he adverted was the impending trial of sir Hugh Palliser, which, in respect of form, substance, and mode of proceeding, he contended was highly censurable. The only proper accuser of the vice-admiral of the blue was the admiral under whom he served; but Mr. Keppel had declined to be the vice-admiral's accuser: he had forgiven sir Hugh; and had not the least intention of taking any part but what, as a witness, he might be compelled to. The admiral had already said so, in the face of the nation, nor would any motive, he believed, now shake his purpose. He had hitherto scrupulously kept his word, nor had he ever mentioned sir Hugh's name, either pub-

licly or privately, unless when pressed to it as a member of another assembly. He could not, therefore, conceive any legal ground there was for bringing sir Hugh to a court-martial, unless there was some person who stood forth as a specific accuser. All trials, according to the usual mode of proceeding, ought to be preceded by a specific accusation. Every idea of accusation had been uniformly disclaimed by the admiral. Then, why proceed to bring the vice-admiral to a court-martial? Surely it could not be at the desire of the unhappy man who was to be the object of it; for, though he run some risk of censure or punishment, he could see no benefit he could derive from an acquittal. He might, and would, he presumed, escape punishment; but no court could ever wipe off the stigma, or the opinion conceived by his brother officers, who, on the former trial, declared him the author of an ill-founded, false, and malicious prosecution.

His grace then read extracts from several office-papers, as part of his speech, of the correspondence between sir Hugh Palliser, Mr. Stephens, secretary of the Admiralty, and Mr. Jackson, the judge-advocate. His grace, as he went along, made several observations on those respective documents. On sir Hugh Palliser's first letter, demanding an enquiry into his conduct, the Admiralty-board informed him that they meant to institute an enquiry; but, in their next letter, informed him that they had ordered a court-martial. This, he said, was a very sudden alteration of opinion; the board might have had their own reasons; and he imagined, without doing any great violence to probability, it might be thought that a mere enquiry might lead to a solemn trial, and that what perhaps was intended for the vice-admiral's benefit might draw after it very serious consequences. He observed, that the list of the witnesses to be summoned to give evidence at the trial had not been delivered in, according to the order of the House; on which account he had given notice to the judge-advocate to attend at the bar, in order to explain the reasons why the order could not be complied with.

After some comments, tending to shew the partiality with which every step in this business had been conducted, he drew several conclusions, in order to point out the very suspicious complexion that overspread the whole transaction, and which established a pre-concerted design, to disrobe admiral Keppel of his professional

reputation and his honour. It was chiefly on this ground he took the matter up, and, by calling forth the interposition of that House, and a timely exertion of its authority, he wished to check the conduct of the Admiralty-board, in the exercise of a power, which was vested in it, not for the perversion, but the indifferent distribution, of justice.

The trial, he was afraid, was so ordered, and the means of obtaining truth so involved in ambiguity and confusion, that justice could neither be done to sir Hugh, nor the public. It was framed in a spirit of collusion and secret indemnity, so as to render it no better than a mock trial. The preparatory measures for calling sir Hugh to an account confirmed him in this opinion the more he turned his thoughts to the subject. How was it possible to try that gentleman, without a specific charge? How was it possible for that gentleman, without such a specific charge, to know how to shape his defence? Where was the issue? What was the affirmative upon which issue could be taken? The charge understood without doors was a charge of disobedience. Was not that imputation frequently spoke to by several witnesses on the first trial? Why not then bring a specific charge of disobedience, and give the vice-admiral a fair opportunity of proving his innocence? Or, should he fail in that, of being liable to be censured or punished, according to the circumstances of the case, in proportion as they must appear more or less deserving of them?

His grace then went on to contrast the conduct of the Admiralty-board towards Mr. Keppel, which, in all the successive appearances it presented to the public, bore, he said, the strongest marks of prejudice and persecution. It was not only malicious, but it was illegal; he meant the refusal of the Admiralty-board to exercise the powers vested in it for the public good, the discretionary power of dismissing totally, or of suspending, complaints, when those complaints originated apparently in resentment and a spirit of recrimination. This was the more remarkable, because the noble lord at the head of the Admiralty had repeatedly lamented, that sending Mr. Keppel to a court-martial became unavoidable, because the board was necessarily bound, however improbable or absurd the charge might be, to instantly entertain it, and order the proper proceedings thereupon; yet, upon a motion made by a very respectable person and able

lawyer (Mr. Dunning) in another assembly,* this doctrine was given up by the law officers of the crown, and its intended object, that of a censure of the Admiralty-board, got rid of by the previous question, on the ground that the discretionary power legally existed, and consequently did not call for the additional sanction of a vote of that House, to stamp an authority upon what every branch of the legislature had already declared to be law.

His grace said he had taken the trouble to get every information on the subject which books were able to afford him, and found no precedent come up to what was now apparently intended, respecting the trial of sir Hugh; he meant the bringing that gentleman to his trial, on a charge to be collected from the minutes of a former trial. He examined the Journals of the House in the year 1744, respecting the proceedings against Mathews and Lestock, when those admirals were watching the motions of the Spanish fleet, then blocked up in Toulon. On that occasion, as there were complaints on each side, the admiral charging his vice-admiral with disobedience of orders, in not closing the line while the center and rear divisions were engaged with the combined fleets of France and Spain; and the vice-admiral, in like manner, criminating his commander in chief, for not giving directions for hoisting the proper signals, which would have enabled him, the vice-admiral, to come into the action. Here, though the admiral made the charge, which was retorted by the second in command, no partial trial was ordered. On the contrary, an enquiry was instituted, the result of which was, that each party was sent to a court-martial.

His grace next adverted to the case of admiral Byng, and read the warrant from the board of Admiralty, in 1756, directed to the deputy-marshal, ordering him to take into his custody the body of Mr. Byng till his trial, upon a charge of a breach of instructions, and for not having done his utmost to sink, burn, and destroy the ships of the enemy, should be had. Here was a specific accusation containing two articles. The first, a breach of instructions, pointed to his not debarking the troops on the island of Minorca agreeable to those instructions; the other, respecting the actual engagement, which charged him with a breach of duty, the not having done all in his power to sink,

burn, and destroy, &c. From whence his grace drew the most incontrovertible proofs, that bringing an officer to trial without some previous charge, was no less unprecedented than unjust; no less novel in its exercise than every way suspicious in its tendency and complexion.

He observed, that the times were critical; that our navy was our principal dependence, so far as the prosperity of the empire rested on the preservation of its distant dependencies. To preserve them we must assert the empire of the sea, or we must expect to be stripped of them gradually, perhaps in a rapid succession. It therefore behoved us to remove all suspicion as to the temper and disposition of those who sat at the Admiralty-board, and take care to improve and secure as much as possible a proper confidence between that board and the officers who were to act under it. Such a confidence was the life of military enterprize, and was generally productive of success; whereas, a want of it generally terminated in national ruin and personal disgrace: it behoved their lordships too, to enquire whether the conduct of that board afforded any just ground which might give reason to fear that so necessary a means of success were wanting. As the guardians of the people, and the great constitutional advisers of their sovereign, they were bound, both by duty and interest, to interpose in every matter of real importance relative to the preservation and safety of their country. These were the motives which induced him to trouble their lordships on the present occasion, and he made no doubt but they would make the proper impression upon every noble lord present. In that persuasion, he had ordered Mr. Jackson, the judge-advocate or crown prosecutor, to attend, and, if it was their lordships' pleasure, he would desire that Mr. Jackson be called to the bar.

Mr. Jackson, the judge-advocate, was then called to the bar and examined. He was asked why he had not delivered in a list, according to order, of the witnesses summoned on the trial, with the list and inclosure which accompanied it? *A.* The same papers had been delivered upon motion to the House of Commons without the list. He did not withhold it from any private reason, nor was he instructed to withhold it: he had brought it in his pocket lest it might be called for, and then held it in his hand. [List of witnesses delivered in and read by the clerk.]—Had

* See p. 282.

the witness any other reason for withholding it? Yes; a point of delicacy.—What was it? He did not think it proper to publish the names of the witnesses before the trial; he had acted in the same manner in regard to admiral Keppel, for when sir Hugh upon that occasion called on him for a list of the witnesses which Mr. Keppel meant to call to his defence, he declined it from motives of delicacy; the consequence of which was, a mutual interchange of lists between the admiral and vice-admiral.—Why in the list, does the name of the hon. lieut. Lumley not appear? His plan was to summon such witnesses only whose testimony proved strongest and most specific.—If Mr. Lumley had not deposed, that the *Formidable* did not carry her lights in the night between the 27th and 28th of July? Yes, but sir C. Douglas, one of the witnesses summoned, deposed more particularly and with greater certainty and precision to that fact.—If the witness did not think that the evidence of a witness who deposed strongly to a fact, might be corroborated by circumstances which fell short of those related by the principal witness? Certainly; but the fact was already sufficiently ascertained, for sir Hugh had acknowledged, that the *Formidable* carried no lights in the night between the 27th and 28th of July.—If the specification of the time, stated in the letter from the Admiralty-board to sir Hugh, which informs him of his intended trial for his conduct, in the words “when the fleets of Great-Britain and France were engaged on the 27th of July,” could be extended, by mere inference, beyond the literal and obvious construction of the words? There was no order came through his hands but the order of summons for the attendance of the witnesses. The summons had no particular reference to the vice-admiral’s conduct during any defined period of that day; but were he to give an opinion himself, he was inclined to believe, that the enquiry would extend indiscriminately to all the transactions of that day.—What was the general understanding or idea of a naval day, according to the technical language used by seamen? He presumed from one in the morning till 12 the next evening.—If the seaman’s day should be deemed to commence at sun-set, could sir Hugh’s neglect, in not ordering lights to be put up aboard the *Formidable*, be properly enquired into? He did not know that the enquiry was to be confined to

the 27th of July, or that a day at sea was differently computed from what it is at land; but, according to his ideas, evidence ought to be admitted to the whole of the action, and subsequent circumstances taken together, both before and after sun-set; and, of course, from the 27th at night till the 28th in the morning.—If omitting to put out lights was not a very great neglect? He presumed it might; that, however, would depend upon circumstances. Not knowing any circumstance which could enable him to give an opinion, he must decline giving any further answer to that question.—Whether he had received any orders from the Admiralty-board as to the mode of conducting the trial? None but the general order to collect the evidence from the minutes taken on the trial of admiral Keppel?—Had he consulted or advised with the Admiralty-board on the subject? Never had a syllable of conversation with the board, or any of the members who compose it, on the subject.—Did he look upon himself as the accuser on the part of the crown? He did not.—Had he formed, or had he direction to draw up, or frame, any specific charge? He had not.—Who then was to draw up the charge and support it on the trial? He presumed, the court, from his selection of the minutes, would frame a charge, and support it from materials thus collected, by calling evidence to the particular facts.—What situation would Mr. Jackson stand in, in the court? As an indifferent person, under the direction of the court; not as an accuser or defender of either party.—Did the witness recollect any instance, in which the judge-advocate stood in the situation thus described, or of a person being brought to trial, in which it was the duty of the court to frame the charge and to support it? He did not know, whether a charge might not be framed previous to the opening of the court. He had received no directions to draw up any charge.—Did the witness know any instance, where the minutes taken upon one trial, was the ground, and only ground, of accusation on another trial? He did one; but he could not trust so far to his memory as to say, that he was able to state it correctly. It was in 1771, when the late commodore Spry commanded at Plymouth. Mr. Spry received an anonymous letter, stating, that a lieutenant aboard his ship, or under his command, had purloined and embezzled the naval

stores; which letter he sent to the Admiralty-board. A trial was immediately ordered; and the fact being proved, the lieutenant was convicted and cashiered. In the course of the trial it came out, that it was not stores aboard the ship the lieutenant served, that were embezzled, but that he had received them from a boatswain aboard another ship. The boatswain was then ordered to take his trial, on the minutes which appeared on that of the lieutenant; and the facts being proved, he was likewise found guilty of the charge.—Was there no accusation specified, such as that one received, and the other purloined? He could not tell, not having attended the trial.—Who acted as judge advocate on the occasion? Could not exactly say, but believed it was Mr. Spry's secretary.—Were there not many more witnesses than the names contained in the list, who had given evidence respecting the conduct of sir Hugh on the 27th of July? There were, but for the reason before assigned he did not think it necessary to summons them; he selected those only whose testimony was strongest and most pointed.—Might not several witnesses who deposed only to other circumstances know a great deal relative to the conduct of sir Hugh, and why were not they summoned? Certainly many witnesses might know, but his duty was only to obey the order of collecting evidence from the minutes; he could not therefore issue summonses for the attendance of persons who did not, by any thing he could learn, appear to know any thing particularly relative to the behaviour of sir Hugh.—Did not the witness believe, that those officers who were, during the action and the whole afternoon, nearest the Formidable, were the best enabled to give testimony relative to the vice-admiral of the blue's conduct? He thought so, and he begged their lordships would understand, that the persons who were to give evidence were not merely confined to the names contained in the list; several more might be added between this and the commencement of the trial; even pending the trial the court would be at liberty to call any witnesses they thought proper. For his part, he was of opinion, that admiral Keppel ought to be summoned to give evidence; nor did he yet know but that the admiral and several other officers would be called upon to attend the enquiry.—What was the reason other persons were not summoned to give evidence

relative to the message delivered by capt. Windsor? Said, that capt. Windsor was summoned; that he gave personal notice to lieut. Bertie that he would be summoned: and that, as to the midshipman examined on the former trial, he was excused on account of his youth.—Why were not others summoned? He believed that those mentioned were sufficient; that he did not think it necessary to summon the whole crew of the Fox; but that the point would lie between those who heard the message delivered on one side, and those who heard the answer returned on the other.—What was the jut of the enquiry, in his opinion? Most certainly, an imputed disobedience of orders, in sir Hugh Palliser's not coming into the admiral's wake, when called upon to do so by signals and message.

The examination lasted nearly two hours. The above were the most material and leading questions put; and at six o'clock the witness was desired to withdraw. The lords who interrogated Mr. Jackson principally were the dukes of Richmond, Manchester and Grafton, and the lords Camden, Effingham, Fortescue and Ferrers. As soon as the witness withdrew,

The Duke of *Richmond* resumed his speech, and reprobated, in strong terms, the idea of bringing sir Hugh to a trial. He repeated his former argument, that it was not possible to do justice to that gentleman, or justice to the public, agreeably to the present plan of proceeding, and declared it looked as if the trial was intended to be a mere matter of form, a mock trial. His grace said, he was the rather inclined to adopt the latter opinion, because he really considered the Admiralty-board to be the instigators of the trial of admiral Keppel, and when he summed up the account of the two proceedings, that against Mr. Keppel and that against sir Hugh, he could not but see the strongest grounds to suspect a collusion in favour of the latter. He declared most solemnly, that he did not mean to urge any thing likely to increase the danger of the last mentioned gentleman; that his real wishes were, that he should not be tried at all; that he saw no possible good either to him or to the public, that could result from his being tried; but that if he was to be tried, he ought to be tried fairly, and upon such grounds as were likely to procure real and substantial justice. He wished to remove every ground of suspicion, otherwise the

public would be led to believe that the impending trial was merely set on foot in order to afford the Admiralty new grounds for aspersing Mr. Keppel. He confessed he thought so ill of the Admiralty, that he verily believed, though sir Hugh had been instigated by them, to accuse admiral Keppel, and had made himself their instrument, if he were found guilty upon the impending trial, they would suffer him to be executed without remorse. The duke said, he had very hastily drawn up a motion, which he meant to submit to the consideration of the House. The hurry in which he had committed it to paper, rendered it less correct, and not so well adapted to the purpose as he could have wished; but such as it was, he would offer it to their lordships' consideration, and hoped it would be favourably received, as it tended to shew that the House would not sanctify a proceeding apparently founded in gross injustice. His grace then moved, "That it is the opinion of this House, that it would be equally contrary to the principles of justice, and to every purpose of the intended prosecution, that vice-admiral sir Hugh Palliser should be tried, as from the papers laid before this House it seems to be intended, without some specific charge being previously exhibited against him."

Lord *Le Despenser* said, he was a good deal concerned to hear the noble duke in the absence of the first lord of the Admiralty, make a long speech against his lordship, and at the end of it produce a motion, immediately tending to criminate the noble earl. The noble earl who was absent, had yesterday professed himself to be exceedingly indisposed, and to be under the greatest distress of mind. That distress must necessarily be now increased, as it was well known that the noble earl's daughter-in-law had died that morning. Were there no objection to the motion but what he had mentioned, he should certainly vote against it, but he saw many other objections which during the noble duke's speech struck him very forcibly, though his memory did not serve him to recollect them at present; it was needless however, even if he had them at command, to urge them, because he trusted the humanity of their lordships would sufficiently induce them to negative the motion for the reasons he had first mentioned.

The Duke of *Richmond* begged the noble lord to recollect what he had said in the opening of his speech, and how much he

lamented being obliged to agitate a matter which had reference to the board of Admiralty in the absence of the first lord. His grace declared, he hoped it was no part of his character to make accusations against any person behind his back; and that he was forced to act as he had done that day, because the trial, to which his motion referred, was to take place in the holidays. Nor did his motion throw the least personal censure on the noble lord who was absent. It stated the impropriety of the mode adopted by the board, in bringing the vice-admiral to his trial; but went no further. He did not know by what title the board laid claim to infallibility. All the fatal consequences flowing from the first trial, had fully proved the contrary. They pretended to sanction the first trial, upon the grounds of usage and the authority of an act of parliament, and afterwards when this law doctrine came to be examined it was clearly proved, and fully acknowledged by the law officers of the crown, that the doctrine was false and erroneous. The board was proved fallible upon that occasion. Had we any assurance, at present, that they might not again be fallible? He felt as much as any man for the family misfortune of the noble earl, but he would never consent to sacrifice the interests of his country, to a point of mere ceremony; and he would tell the noble lord who spoke last, that he did not think, all circumstances considered, that it was consistent with the dignity of that assembly to hear it asserted, that the absence of any one member, in or out of office, was a sufficient reason for giving a negative to a motion, which could never again be revived, to any effectual purpose of prevention.

The *Lord Chancellor* replied, that the motion was highly improper, and to accede to it would be to prejudge, and in fact controul the impending trial, and to assume a power which did not belong to any one branch of the legislature. He began with declaring, his first object of rising, was to defend an absent man: that he thought it exceedingly improper in the noble duke to assert, that the Admiralty-board were the instigators of the conduct of sir Hugh Palliser, respecting admiral Keppel, when he had no proof of the foundation of the assertion, and especially when the noble lord at the head of the Admiralty-board was not present to defend himself, and reply to an insinuation extremely injurious and unwar-

rantable. He instanced the vice admiral's express declaration, that he had consulted no person whatever relative to his urging his charge against admiral Keppel, inferring from that, and from the conduct of the Admiralty-board, that there was not a colour of suspicion of collusion on their part; and that every imputation of there having been collusion practised, was impossible to be proved, and of course extremely unjust. Having laboured this point in his usual stile of legal metaphor, he said he believed he might call sir Hugh an unhappy man, for surely if that epithet belonged to any person, it belonged to a gentleman so totally ruined as sir Hugh was. He hoped, however, that the issue of the impending trial would shew, that the failure of the success of the action of the 27th of July was not imputable to any man, but arose from one of those unavoidable accidents, which military operations, both on sea and shore, are ever subject to. Sir Hugh was to be tried very shortly on a charge arising from what came out upon the trial of Mr. Keppel; ought not sir Hugh to be sent to his trial in the most candid manner, unaccompanied with any prejudices, tending to aggravate what might appear against him? Would any noble lord say, that it either became their lordships to prejudge him in any shape whatsoever, or to come to a resolution implying prejudgment or crimination, or indeed interfere at all with a process which did not by any means in its present stage come under the cognizance of parliament? A witness, if Mr. Jackson might be deemed a witness, had been called to their lordships' bar, with a view to be examined to a particular point. Had the examination been confined to that point? On the contrary, had it not been extended to a most minute and circumstantial enquiry into a great variety of matters generally referable, he allowed, to the impending trial, but not in the least analogous to the matter respecting which alone Mr. Jackson had been called to the bar? Not that he meant to blame noble lords for having extended the examination. He was perfectly aware that strict regularity must often give way to expediency, and in the present case he had not attempted to call the House to order, or to check the irregularity, because he had the satisfaction to see it tended to prove that the judge advocate, in whose hands a material part of the business lay, was a most intelligent and judicious gentleman. He had given

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his evidence (if he might so phrase it) distinctly, clearly, and in a manner which did him great credit, while it afforded the House abundant information and abundant satisfaction. Mr. Jackson had proved that it was not a new matter to send an officer to his trial without what the noble duke in his speech and in his motion called a specific charge, and had explicitly declared that he knew a case where the charge, upon which a person accused was tried, was collected from the minutes of a court-martial who had sat upon the former trial. His lordship asserted that the instances cited from the Journals, instead of supporting the noble duke's argument, made against it; particularly that of admiral Byng's case, which he had therefore been much surprized to hear quoted. He offered several reasons to prove that the House had no right to interpose its authority, on the present occasion, and even if it had, that there was no ground before the House for exercising that authority. His lordship concluded with remarking in very severe terms, on an expression which fell from the noble duke who made the motion, and who, with other gross accusations against the Admiralty-board, took upon him to assert, that if sir Hugh should be found guilty, the Admiralty-board would let him suffer without remorse. If the accusation was directed at the noble lord at the head of that board, which he had every right to think it was, he could say from his own knowledge, without desiring to pay a compliment to the noble lord, that his lordship was infinitely superior to a conduct so black, so base, so diabolical.

The Earl of Mansfield said, that the present motion was extremely improper to be adopted by their lordships. He grounded his argument on two points: the one was, that the motion itself wanted foundation; the other, that if it were founded it would not be consonant with the forms of that House to interpose its authority in regard to the impending trial. With respect to the first, the charge against sir Hugh was no less specific than the charge against admiral Keppel or admiral Byng. The martial law differed most essentially from the common law; by the latter a specific charge was made out in the form of an indictment, and the party accused was tried upon a specific allegation of criminality. Courts martial, on the contrary, left off where the common law courts commenced their criminal pro-

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cesses. It was the duty and the practice of the courts martial to be ordered to enquire and try. They in consequence first went into an enquiry, the result of which enquiry formed the criminal charge, if any thing criminal came out, and upon that charge the court tried the party so criminated, and passed sentence accordingly. In admiral Byng's case this matter was most clearly exemplified. The court-martial were ordered to enquire into the admiral's conduct, and try him upon it. There was no specific charge before them. They began their enquiry with taking evidence of his conduct at St. Helens; his conduct in his passage to the Straits; his return to Gibraltar, and every circumstance relative to the whole of his operations, till he was superseded in his command. The court came to a great variety of resolutions, some not in the least criminal, others which went so far as to affect his life. Upon their very last resolution, the last of thirty-six, they founded their charge, and their sentence. The matter of law was referred to the twelve judges, who declared the whole proceeding to be perfectly legal. He said, he had read the charge preferred against admiral Keppel, and that when it was first laid on the table, he spoke only from mere recollection, but if he understood it right, there was no criminal charge contained in any one of the five articles: the only one which bore any appearance of specification was worded so loosely and drawn up so inaccurately, that the legal import, in point of effect, or as operating towards conviction, was entirely lost. He alluded to the admiral not doing the utmost, instead of his utmost, to take, sink, burn, and destroy the fleet of the enemy; which, in fact, amounted to just nothing. No man ever did, or ever will do the utmost: Julius Cæsar, Alexander the Great, or Prince Ferdinand, never had done the utmost; nay, it was impossible for any commander to do the utmost.

The Earl of *Bristol* said, he did not wish to enter fully into a debate which might lead him to the discussion of matters that were intended to be the subject of a future day. He perfectly coincided with the noble duke, respecting his sentiments of the Admiralty-board. It was not appearances, but facts, undeniable facts, that induced him to adopt these sentiments, which he was persuaded he should die in. The whole transaction presented the same countenance, in each of its respective stages. The want of confidence which

admiral Keppel experienced from the beginning, was exemplified in first sending him out with 20 ships against 30, in order to disgrace him in the eyes of the people, as his return into port was foreseen by those who sent him. The cool manner he was received on his arrival; the much cooler in which he was received on his second return, after the action of the 27th; the sending private thanks to the blue division, to be conveyed to the officers by the vice-admiral; and finally, the receiving the charge of an inferior officer against his superior, though the latter was known to have accused the inferior, in parliament, of a disobedience of orders, to his face. If, however, any doubt remained respecting the real disposition of the Admiralty-board, there were sufficient indications given by that board, after the admiral had been most honourably acquitted; the omitting that part of the sentence of acquittal which related to the malicious and ill-founded accusation brought against him, and likewise such parts of it as reflected honour on the conduct of the admiral, put the matter beyond question. The same spirit and the same rancour marked the footsteps of ministers throughout the whole of the session; and the present attempt to asperse by inference the conduct of that gallant commander, was exactly correspondent with the whole of their precedent conduct; because, if sir Hugh were acquitted, the conclusion they and their friends would draw from it would be, that if any fault was committed, it could not be fairly imputed to the vice-admiral of the blue. His lordship denied that the noble earl who spoke last had stated the affair of Mr. Byng accurately: he contended that admiral Byng was sacrificed, in order to appease the nation, who had been artfully persuaded, that whenever a British admiral miscarried it was always the fault of the commander. His lordship insisted that officer was tried on a specific accusation, and that the British annals had not furnished a single precedent hitherto, of any naval officer having been brought to his trial, without at least giving him notice of the matter alledged against him, previous to his appearance in court.

The Duke of *Richmond* replied to the two law lords. To the animadversions of the learned lord on the woosack, respecting the charges against the Admiralty-board, his grace affirmed, that he was fully warranted in what he said, and in pushing every charge he urged much farther. The

learned lord was extremely welcome to put any construction on his words they would bear ; but the noble earl now absent from his place, was not much indebted to him for his laboured commentary. His lordship had endeavoured to shew, or had rather asserted, that there were no proofs before the House that the Admiralty-board had acted improperly ; and though they had, that that House was not the fit place to discuss such a question. To the first he should only answer, that the mode of proceeding was unprecedented, in the case now under consideration ; and, secondly, that if the Admiralty-board either improperly exercised the power vested in them, or neglected their duty, they were criminal, and as such, amenable to the controul and censure of either House of Parliament. That House had an inquisitorial as well as judicial power ; nor were the two jurisdictions at all incompatible : but the question here was neither inquisitorial nor judicial, but merely a proposition made to the House, upon facts, which were in proof at their lordships' bar. It imputed no guilt, nor threw the least censure, directly nor implied, on sir Hugh Palliser ; it only went to condemn a mode of proceeding no less contrary to the established rules of legal process in such cases, than to equity and justice, for it involved one of these two things ; the bringing a man to his trial, and keeping him totally in the dark respecting the accusation to be preferred against him ; or, on the idea that a real trial was meant, under the mock forms of law, to let a criminal escape with impunity.

The learned earl who spoke lately asserted, that no specific charge had been made against admiral Byng. He was astonished to hear his lordship, who was so well acquainted with the whole transaction, assert what he must, if his recollection had not failed him, have known to be the very contrary of what he had represented it. Admiral Byng, it is true, was generally charged with misconduct, from the minute he quitted St. Helen's till his return to Gibraltar from the action ; but why so ? Because he was specifically charged with a breach of his instructions. And how could the truth or falshood of that charge be ascertained, without going into a general enquiry into the whole operations at sea since his departure from St. Helen's. He was ordered to repair to Gibraltar, and there take a regiment on board, for the reinforcement or relief of

the fortress of Fort St. Philip. He might have never been able to leave the Channel ; it might have come out in proof, that he purposely delayed his passage ; he might have staid at Gibraltar too long ; or he might through negligence or design, have broke his orders ; which facts could never be ascertained or decided upon, till the whole conduct was enquired into, and known, from his leaving the land. The fact was, that part of his instructions were, to debark a force on some part of the island of Minorca. He did not, or could not, comply with those instructions ; that failure of duty formed one specific charge against him : the other, that he did not do the utmost in his power to engage, defeat, burn, and destroy the enemy, was not a loose, general charge, but a specific one, confined to a particular transaction, upon a particular day. Was, then, the enquiry, in the language of the learned lord, an enquiry to know whether such an action happened on such a day ?

He was astonished to hear the learned lord dwell so long on a circumstance, which if it carried any weight with it, made against his argument much more than for it, which was the distinction of ' the' utmost and ' his' utmost. The fact was, the learned lord, by taking one part of the sentence, had hastily or designedly confounded the words ; they were neither ' the' utmost, nor ' his' utmost, but ' the utmost in his power.' Men of much less abilities than any of the great names the learned lord had referred to, might perform the utmost in their power, though not the utmost. He was ready to agree with his lordship, that neither Cæsar nor prince Ferdinand ever did the utmost, but he nevertheless contended that every man, be his abilities ever so mean or slender, was equal to do the utmost in his power, which excluded every degree of censure, but what might be imputed to a want of zeal, or treachery, or cowardice. If then the utmost in a commander's power was no more than acting to the best of his skill and judgment, the negative of that imported cowardice or disaffection, and consequently subjected the criminal to a capital punishment.

To say, therefore, that the articles contained in sir Hugh's charge against Mr. Keppel were loose and indefinite, amounted in fact to maintaining that cowardice or disaffection were not capital crimes. But even supposing, for argument's sake, that the charge now commented on was not of

a capital nature, he would ask the noble lord what was the direct charge contained in another of the five articles in which admiral Keppel was accused of turning his back on the French fleet, and thereby disgracing the British flag? Was flying from the enemy, accompanying an assertion, that the admiral might and could have engaged the enemy to advantage, not a specific charge both in fact and construction? Did not such an accusation carry upon the very face of it a charge of cowardice, or disaffection, or both? He presumed, indeed, that the learned lord had but a very faint memory of the charge on the table, else he never could have so confidently affirmed that running away from an inferior and beaten enemy was not an instance of the most abject cowardice or disaffection.

He was much surprised not to hear the learned lord dwell more on the affair of Lestock and Mathews, because on that occasion there was a precedent enquiry, in the other House; but the learned lord wished to avoid entering into particulars, for a very obvious reason; his lordship knew that the enquiry went only to ascertain the fact of miscarriage, which when the House was satisfied of, they ordered the parties to a court-martial, not upon loose, but upon defined and specific charges. He said, this mode of proceeding was analogous to every other mode of proceeding adhered to in our code of criminal law. Whenever any man was accused, he was made acquainted with the nature of his offence, that he might be thereby enabled to prove his innocence, should that be the case; otherwise no person could be safe, however innocent; because, being ignorant of the nature of the charge, he could never be prepared, either in the way of direct proof, by confronting of witnesses, or the various modes which the law had provided for its discovery, to meet his accuser: this knowledge of the witnesses would signify very little, were he to be kept in the dark as to the charge itself; but when in possession of the charge, and knowing who were to be the persons summoned to make it good, he had then every necessary means that innocence could desire for its justification.

Before his grace sat down, he could not pass over what had fallen from the noble lord on the woollack, that there was no proof before the House sufficient to justify the motion, and that the witness at the bar, so far from supporting the motion,

by any part of his evidence, had furnished the strongest proof, founded on precedent, in support of the present mode of proceeding, in respect of the lieutenant and boatswain who had been tried at Plymouth, the latter on the minutes taken on the trial of the former. So far as the precedent went, it carried with it some weight: but two things were observable; first, that Mr. Jackson did not undertake to state the case exactly, with all its circumstances; secondly, the offence charged was of a very different nature from that of an accusation, such as the vice-admiral was accused of: but allowing the precedent its full force, the occasion, the tribunal, and the mode of conducting that trial, though it might furnish one instance of injustice, or rather illegal proceeding, for he thought the sentence, though not the mode of proceeding, a very proper one, was not a sufficient ground to depart from precedents much more applicable to the matter before the House, and of infinitely greater authority and importance.

The Earl of *Mansfield*, in proof that it was the practice of courts-martial to proceed loosely, stated the peculiar nature of such modes of trial. He said, that for the sake of military discipline, they differed essentially from trials at common law. In the latter, a specific charge is given in upon oath to a grand jury, who must upon their consciences, and on the conviction of their reason, find the charge relevant before the process could go a step farther. In courts-martial no charge on oath was made, and, except where the accuser was a private person, nothing like a specific charge was exhibited. In sir Hugh *Palliser's* accusation of Mr. Keppel, the charge was not upon oath, neither was the charge specific. It was consonant to practice, and perfectly agreeable to usage, to order a court-martial to enquire and at the same try the person accused for other parts of his conduct, besides those actually referred to the court; the case was so in the affair of Mathews and Lestock, and more particularly in that of admiral Byng; but there was a later case, which clearly and incontrovertibly proved what he said, the case of Mr. *Brereton*, captain of the *Duke*. The court were directed to try him for his conduct touching the business of July 27th. In the course of their enquiry, in order to found a charge, it appeared that he behaved improperly, by getting drunk the day before and the day after

the battle: the court made that matter the charge, and grounded the sentence upon it, thereby depriving captain Breton of his command, not for behaving ill on the 27th of July, but for getting drunk on the 26th and 28th. His lordship urged several other matters, in order to prove that though the court were directed to enquire into a particular fact, they were not thereby restrained from going into other circumstances: so that if the order for trial only related to what passed in the action, yet the court were at full liberty to go into the whole of sir Hugh Palliser's conduct on the 28th, as well as in the action of the 27th of July.

The Earl of *Bristol*, after declaring the learned earl was mistaken in his account of admiral Byng's trial, said, if military discipline depended on a violation of justice and freedom, away with such discipline! for it would be vain to expect that seamen, who had been for years esteemed the bulwark of this country, could do their country service, if they were made slaves of, or subjected to laws which were opposite to every principle of freedom and justice. His lordship adverted to the articles of war, and having understood the earl of *Mansfield* to have declared that he was concerned in framing the code of martial laws which he had spoken of, said, he hoped the learned earl had no hand in framing the article which subjected officers on half pay to the same martial law and the same discipline which those in actual service necessarily were governed by: an article which he remembered created such a spirit of opposition in the navy officers, at the time that the code of laws was under the consideration of parliament, as to obtain the omission of that article, strongly as it had been supported.

The Earl of *Mansfield* desired to set the noble earl right, by repeating what he had said early in the debate, that he had no hand in framing the law alluded to by his lordship. All he meant to say was, that he was concerned in carrying them through parliament, under the sanction and with the support of the late duke of Cumberland and lord Anson.

The Duke of *Richmond* said, admiral Byng's case was truly a calamitous one, and the learned lord could not soon, he believed, forget the part he acted in that business, were it not for something which fell from him this day, that indicated a total forgetfulness of the greatest part of that melancholy catastrophe. The noble earl

said that Cæsar, nor no other great captain or commander, had ever done the utmost, and yet the learned lord, upon recollection, must remember that in the case of admiral Byng, an act of the highest criminality was, at least by inference of law, affixed to a moral impossibility; that unfortunate gentleman was acquitted by his judges of cowardice and disaffection, and yet, nevertheless, was brought in guilty, for not doing the utmost to sink, burn, destroy, &c. He would have imagined that the learned earl had forgot the part he had acted in that business, had his lordship not mentioned the opinion of the twelve judges, who, he said, had been unanimous in their approbation of the sentence, at the head of which was the then chief justice of England? He would, therefore, recommend to his lordship, to endeavour to reconcile the opinion of the twelve judges with that given this day by the learned earl, and decide in his own mind, whether a charge under the same law in 1778, and framed in the same words, as to the article in question, was not a specific charge, sufficient to draw after it a capital punishment, when an officer of long and tried service suffered on a similar charge in 1757, and the sentence under which he suffered was confirmed by the opinion of the twelve judges. He remembered that though then but very young, he could not say but that affair made a very deep impression upon him, being present in the gallery of the other House, when several of the members* desired a law, in order that they might be absolved from their oath of secrecy, for the purpose of submitting their doubts to the House, which being complied with, they accordingly did, but the question proposed involving in it a point of law, as he observed before, it was referred to the judges, with the chief justice at their head, who at length decided the fate of that devoted man, who had, in fact, fallen a sacrifice to ministerial timidity and court intrigue. His grace said, he was happy in having an opportunity of delivering his sentiments on the subject; and withdrew his motion, on a presumption, he said, that the object he wished to obtain would be the consequence of his agitating the question.

Debate on the Earl of Bristol's Motion for the Removal of the Earl of Sandwich, First Lord of the Admiralty.] April 23, The order of the day being read,

* See Vol. 15, p. 803.

The Earl of *Bristol* rose and said : *

My lords; I am first to return your lordships my thanks for the indulgence you have given me, in the putting off this motion, on account of my health, till now; I confess it has long been my wish to make it, as I think it a motion which on every consideration I am obliged to make, as a friend to this yet existing constitution, as a friend to his Majesty, as a friend to my country, and also as a member of this great council of the nation; and though, perhaps, in these polite and courtly days, this motion may be uncommon, yet, look in your Journals, your lordships will find it is far from being unprecedented; and, therefore, I shall beg your lordships' indulgence, whilst I state to you those various reasons that have induced me to make it; assuring your lordships, that I have no other motive whatever for so doing, no consideration of any kind, than the welfare of my country, which I think essentially concerned in it; and I make no doubt but I shall fully prove it; it is high time for your lordships to comply with such a motion.

My lords, it is not my intention to trouble you with a long detail of professional anecdotes, or with the present state of the minutia of the navy; because the present situation of this country induces me (unless urged to the contrary) to leave a veil over whatever ought to be kept from the knowledge of the enemies of the state: I shall, therefore, confine myself to such recent observations, and to such public notorious facts in the great lines of the conduct of that department, as appear to me to have been the cause of the great decline of the navy, with regard to their want of ships, want of stores, want of petty officers, want of men, and want of discipline, when compared with what it was in former times, and within my memory.

My lords, the unsuccessful attempts that were last year made by several noble lords near me, for remedying that conduct which has brought the navy, and consequently the nation into this situation, gives me little hopes of better success now; since the same baneful influence prevails, and the same official ignorance, fallacy, and obstinacy, presides over that department, and which hitherto appears to have been

supported against all argument, and even against all demonstration: yet my lords, no consideration whatever shall prevent me doing my duty to my king and my country; as I am quite indifferent as to the misconstructions, which the noble lord at the head of the Admiralty may throw out upon whatever I may say on this head to your lordships, and knowing the purity of my intentions, am as totally indifferent to the misrepresentations that may be made of me elsewhere; relying on his Majesty's justice, goodness, and penetration, as I do upon that of your lordships, to be no longer deceived by the arguments and assertions that have been hitherto made use of in defence of such conduct: my lords, whilst I have breath, I will speak to your lordships with the respect I owe you, but with that freedom also, that becomes one, who professes, and will prove himself on every occasion, a guardian to the people, and an independent man.

My lords, your lordships are already in possession from last year of all the grants that have been made by parliament for the use of the navy, since the year 1771, which I think amounts to the enormous sum of 24,181,838*l.* 17*s.* 2*d.* for the extra, wear and tear, and ordinary of the navy.

Your lordships are also in possession of the state of the navy at that period, and the state of it last year; therefore I shall not in this moment trouble your lordships with a repeated detail of those; but I must intreat you to reflect how those immense supplies have or have not answered your expectations, with regard to keeping up and increasing the royal navy, as well as the filling all our magazines with all the different necessary stores, instead of suffering the too well known deficiency there has been of every kind.

The assertions thereupon that were last year held forth to your lordships by the first lord of the Admiralty, I am not much surprized at, encouraged as the noble lord has been by the credulity, or the servility of numbers; which we may very well believe have often induced his lordship to advance whatever would best answer the purpose of the moment; but how well those assertions have been verified, I leave for every man to judge, who is at all conversant in our present naval affairs.

My lords, the first lord of the Admiralty stated to your lordships early last year, that he had then a fleet ready and superior to that of France, and that it would be soon equal to that of France and Spain,

* From the original Edition printed for J. Almon.

and added, in a loud and triumphant tone of voice, "That he thought a first lord of the Admiralty, who had not always a fleet ready, superior to the united force of France and Spain, was not fit to be at the head of that department."

These were nearly his lordship's words, and I most heartily concur with him in that doctrine; but I must beg leave to examine whether or not the noble lord has proved his theory by his practice; and then I shall hope your lordships will for once take the noble lord at his word.

The ships that were stated to your lordships the beginning of April, 1778, to be ready for sea, were then only 35 ships of the line, although it was well known that the armaments of France and Spain had been a long time increasing in all their ports; and that we had been fitting out ships ever since November, 1776.

My lords, the accounts that were received by government, so early as in January 1778, of the fitting of the Toulon squadron, and the progress of that squadron, one would have imagined would have awakened the supineness of the board of Admiralty, or, at least, that it would have prompted the first lord of that board (who I look upon in every light as the marine minister, and answerable as such) to have followed the maxims of all those great sea-officers, who had been his predecessors in that office, to have immediately sent ten or twelve ships of the line to Gibraltar; which would have effectually prevented the consequences, and defeated the intentions of that French armament; prevented that squadron from passing through the Straights, or at least passing in such a manner as would have defeated their further pursuits; shewn protection and countenance to the garrisons of Gibraltar and Minorca; prevented the insult of blockading those ports; by a number of privateers and frigates, protected the English factories at the different ports there; protected your trade also in those seas, which I will venture to affirm no first lord of the Admiralty, nor any minister, ever dared to have so totally abandoned before; and would have prevented the disgraceful and ignominious figure you have made to all the different powers and states on each side of the Mediterranean sea, from the Straights of Gibraltar up to the coast of Syria.

My lords, had they sent ten or twelve ships of the line in January, when by the accounts now given to your lordships, and

on the table, there were seventy ships of the line in commission, and I am certain there were not above twelve of the line then abroad in all the foreign services, and though we were told in April that it was impossible for you to detach; how to reconcile this I know not; but I know that had you then sent the ten or twelve ships I mentioned, there would have been no necessity afterwards of sending so many ships as you were obliged to do at last, with vice-admiral Byron, to so distant a part as America: where it was well known, from all private intelligence, (supposing government to have had none at all) that this Toulon squadron must have been bound. The embarking of M. Gerard on board the Languedoc, the quantity and sort of clothing that was put on board this squadron, with many other concurring indications, well known here, proved their destination almost to a certainty. And yet, after all the most tedious efforts to collect a force, after all their assertions, and after all the warnings given them, and that no detachments were made out of these 70 ships of the line upon paper, there were only 31 of the line that could be collected at Spithead for that very famous naval review: and which I will venture to say, that had we been so fortunate as to have had a sea-officer at the head of the Admiralty, those ships would not, at that critical time, and in that situation, either have been collected for such a purpose, or rendezvoused at such a place, and where they were detained so long useless, for an object, that I am equally confident would never have been permitted, had the bad consequences arising from it to the many different services, that then claimed our attention, been properly and dutifully represented to his Majesty. But all that was so ably laid before your lordships last year, by many noble lords who now hear me, that I need not remind your lordships of the detrimental folly of that measure: the great loss it was to your trade, and the exposing at that time all your settlements, were the consequences. But none were more dangerous than the detaining vice-admiral Byron so long before he was detached to America; that, my lords, was more than folly; it was a capital crime: for since no ships were sent to the Mediterranean to stop the French squadron from passing those Straights, that officer ought to have been instantly sent away to join lord Howe in the Delaware, or at New York, when first

they knew of M. D'Estaing's sailing, and which they had sufficient time for, as that squadron had a most uncommon and extraordinary long passage, of above 30 days down the Mediterranean: for the securing, at all events, your fleet and army then in America, was surely the first, nay, indeed, the only object, and would have prevented the disasters vice-admiral Byron met with, by being ordered to Halifax; so far to the northward, and where if he had arrived, he would have had as long a passage to have encountered again from Halifax to New York. But this delay of sending vice-admiral Byron's squadron had nearly occasioned the loss of all lord Howe's ships in the Delaware, (an escape of only three or four days) together with all the transports, victuallers, and store ships then attending the army; and which, probably, from their situation, and that of the enemy's army, would have occasioned the ruin of that under sir H. Clinton; which neither the vigilance or the bravery of either lord Howe or sir H. Clinton could have foreseen or have prevented; and which army might, in that case, be now as totally forgot and abandoned as that unhappy brave set of men are who were lost at Saratoga.

And how were these ships of vice-admiral Byron's fitted? My lords, they were all drafted, and then fitted from the fleet destined for admiral Keppel, and then under his command: that very fleet, which was then known to be the only safety of these kingdoms, and our only dependence; that very fleet which was to protect us from the trump'd-up report of an invasion; that blown up bubble (pardon the expression, my lords) to draw the attention of the people from their more immediate misfortunes. Stores, and provisions of every kind that was wanted, was taken from that fleet to fit and equip vice-admiral Byron's squadron out; and I leave your lordships to judge the situation our magazines were in, when I tell you, and assert it for truth, that the main-tacks of the Valiant, and other cordage reaved in that ship, and in the Ramillies (then under orders with admiral Keppel) were unreaved, and given to some of vice-admiral Byron's ships, before he could sail; and who did not sail till the 9th of June, which was near two months after M. D'Estaing had sailed from Toulon. At last admiral Keppel was directed to sail the 13th of June, with the remaining twenty ships of the line under his command, and proceed

off Brest, with, I believe, only two or three frigates at most, with assurances, that he was then equal to the Brest fleet, which must prove to your lordships, that notwithstanding all the secret service money allowed and charged, that either the Admiralty had no true intelligence, or else, that they negligently, or wilfully exposed the British fleet to a far superior one of France, together with all the trade from the East and West Indies, from the Mediterranean, and from all other parts, which was then hourly expected, and which, at that time, spread so universal an alarm through the whole kingdom, that there was scarce a merchant who did not expect a most severe blow to his capital; such was the notorious conduct of the Admiralty, such the skill of the first lord director of it; and such the narrow escape these kingdoms had from such conduct; for, my lords, admiral Keppel no sooner arrived upon his station, but by intercepted intelligence, which he obtained from the French frigates, that Providence threw in his way; but which, we must also be convinced, he was not instructed to make captures of, as he never has received approbation for having taken them; he found, by these frigates, that the French fleet consisted of thirty-two ships of the line at Brest, thirty of which were then in the road ready for sea, with many heavy frigates.

The judicious resolution immediately taken by that officer to return to England, and have his fleet reinforced, equalled the manœuvre of the greatest admirals; and, for aught I know, saved this country from a severe blow: for had the French fleet been out, and off Brest, when admiral Keppel first appeared there, I know not what might have been the consequences; twenty ships of the line of ours, to thirty ships of the line of theirs; they so primely manned, and our ships, I will still say it, and aver it, so defective both of petty officers and good seamen, at a time that you had not twenty more ships to depend upon, nor could you have collected twenty more, let your paper accounts, here given in, be what they will; I will assert and prove it to be so; which must have left all your trade, all your coasts exposed, and perhaps these kingdoms at that moment, open to insults.

I repeat it, my lords, there never was a more alarming instance of the blundering ignorance, or something worse, in the Admiralty-board, for sending this very

inferior force out at that moment; nor ever was a more judicious, salutary step taken, than that which admiral Keppel took, of immediately returning to be reinforced: the admiral (though unused to withdraw from an enemy, through a long series of successful and honourable services) was indifferent to what the disappointments of ignorant expectation might throw on him; he determined not to risk the fate of this country, than relying on that only fleet, and entrusted to his conduct, as well as his bravery, nor even risk the honour of its flag with such an unexpected, such a superior force. The consequences of that return were very different to himself from what he had reason to expect; instead of applause and testimonies of approbation for his conduct, the tools and scribblers of power were employed in every quarter of the town, to whisper and write away his exalted character, by throwing out every where, that he had seized that opportunity of an imaginary force to sacrifice the trade, and every thing else to his political revenge: the pensioned vehicles of infamy, detraction, and villainy, poured forth the dictates of their more infamous and profligate protectors and paymaster, not only by asserting that admiral Keppel's return to port was in hopes of ruining the ministry, but also by a constant abuse on all those whose experience, and whose judgment in naval matters, justified the admiral's conduct, and who dared to withstand the extended rod of power by so doing; and these were the reports of the day, these the grateful returns he then met with; and these the seeds that were then sown, and intended to produce his destruction hereafter; till they received such proofs of their own blundering ignorance, that they were obliged to be silent; and in the greatest consternation, the first lord of the Admiralty forgot his usual ostentatious parade, and went down himself post to St. Helen's, to court the admiral's being silent, promising to exert every power, and to drain every other service, to enable admiral Keppel to return to sea again, and face the enemy's fleet; although it was the 9th of July before only four ships could be got to join admiral Keppel, though then at St. Helen's; at last, when arrived in his station, they got equal numbers to the French; and how did this fleet go out a second time, my lords? A number of ships, it is true, with some of the very best and ablest officers in the service for their

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commanders, but manned from whatever, and wherever they could collect any thing, and with such a deficiency of petty officers, as every officer in the fleet, who is not awed by that all-powerful presider at the Admiralty-board, will not hesitate to acknowledge, was a great loss to us on the 27th and 28th of July; petty officers being the very life of a ship's company at all times, and much more so when in action; and yet I could never, in the last peace, whilst I sat at that board, prevent the noble lord from taking such steps, as turned that valuable class of men almost all out of the service, and discouraged all others from coming into it; and so much was this error felt, that I know for a certainty, they were so deficient, even in the flag-ships, that an admiral on that command has since declared, that he was often obliged to do the duty of his captain, his captain of the lieutenant, and the lieutenant of midshipman, for want of petty officers. The 74 gun ships were all deficient fifty seamen each ship, of their war complement, which, from a mature deliberation, and earnest recommendation of the greatest sea-officers in the last war, (lord Anson, lord Hawke, admiral Boscawen, admiral Pocock, and many others; and when his name admiral Pocock, give me leave to observe, my lords, that I wonder the loss of such an officer as he was to the service did not make them more cautious how they disobliged other great officers). I say, from their recommendation this was established, by order of council; and which deficiency was severely felt in the last engagement, as I know from several of the very best officers I have conversed with on the subject; and which the size of our present 74 gun ships will not admit of such a reduction of their last war's complement.

My lords, I shall make no other observation to your lordships upon admiral Keppel's return to sea after having been fitted at Plymouth, since the action of July, than, this fleet, for want of stores, &c. was, to the astonishment of the whole world, not able to get to sea again for many days after it was known the French fleet had been sailed again from Brest, and then returned with fished masts and yards, for want of others being in store.

My lords, I have already told your lordships why I will not enter into a discussion of the reasons which prevented, for many weeks after admiral Keppel's last return to port, the getting out only ten or twelve

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ships of the line, which were intended to have sailed with sir John Lockhart Ross, until at length westerly winds set in, and blocked up all your ships and all your trade, whilst only two ships of the line and one frigate were then cruising in the Bay. Was there ever a situation so baneful to the trade, so disgraceful and so destructive to the country? Look, my lords, back to that period; though we had then been so long at open hostilities with France, and threatened by Spain, had you at that moment, or have you even now, any squadron, or any thing but a poor old sixty gun ship, with two or three frigates in the Mediterranean, with a vice-admiral's flag, creeping about from port to port, whilst the French were over-running those seas with a squadron of seven ships of the line and four frigates, under the chevalier de Fabre's command?

Your Leeward islands were till last February left in as bad a condition; only two ships of the line with rear-admiral Barrington; to which, and the absurd instructions given to that officer at that time, you owe the loss of that valuable island of Dominica, as you do the safety of the others to his good judgment, in having broke his orders at last to defend them, as you may see by a letter I have in my hand from Antigua. Jamaica was left till now with only one ship of the line, and in the greatest distress. The East-Indies, where one should have imagined the noble lord, from his lately acquired lucrative connections with the directors of that company, would have taken earlier and better care of them, they had only two ships of the line till this moment; and though the company, from its powerful situation by land, has made an acquisition there, yet what merit in that acquisition has our Admiralty?

My lords, in the last war, you had victorious squadrons in every quarter of the globe; you had cruisers well appointed, and judiciously stationed in every place for the protection of your own trade, and for the annoyance of that of your enemies, and a most powerful fleet besides to protect your own coasts, and insult the ports of your enemies, from whence they scarce ever dared to venture.

Does this situation tally with the account given in upon paper, of the ships in commission? My lords, if there are such numbers in commission, and not fit for employment, more shame for those who commissioned them; it is job-work, it is borough-

work, it is to serve the purpose of venality, and it is to deceive your lordships in your enquiries: but, my lords, let what will be the fate of this enquiry here, the prying world, the people of England will not be so deceived; and I hope they will know I have done my duty by them.

Does this situation prove the assertions of the first lord of the Admiralty, with regard to his pompous and often boasted state of our navy, when he told your lordships also, that he had more ships ready for sea than in the most flourishing year of last war, that of 1759? My lords, look at their own accounts of what ships were employed in 1759; even these tell you there were 114 ships of the line, December, 1759, and in all 303, with frigates, &c. but, my lords, by a much more accurate account I have in my hand, which was made out with all the circumspection and exactness possible; for as able, exact, and as great an accountant as ever sat at that board, or the Treasury, and as great a man, no one can doubt of my meaning Mr. Grenville when I so describe that late valuable man—there were at that period 158 ships of the line, and 234 frigates, 120 of the first and 164 of the latter were then actually employed at sea. My lords, I shall not run into any unnecessary detail, but I could tell your lordships the exact number of ships and frigates that you had, and all those that were employed for each year since the Revolution, with every minute charge of every different branch relative to the civil or military departments of the navy, with their different number of men granted and employed each year in all the different branches; and, my lords, were I to run through it, it would surprize and alarm your lordships to see the increase of naval expence within these few years, and the decrease of your numbers, as well as your naval reputation, since the year 1771.

But, my lords, what are all those arguments of the noble lord's to us? If in saying, that he has as many ships as in former times, that this is all he has to plead in his justification, he must pardon me, if I say, it has nothing to do with our present situation; for if for many years past, and during that noble lord's presiding at that board of Admiralty, and taking upon himself, as I know he does in effect, the sole powers and directions, as if lord high admiral himself, that his lordship has known, what we all know, and what we now prove to be true, that the fleets of France and

Spain have been daily augmenting, what signifies what our fleets formerly were; why has not his lordship augmented ours also? It has not been from want of money or power; the noble lord has repeatedly told us so himself; and we know that he has had of both, far exceeding any of his predecessors in the last war; far exceeding even what the duke of York had, when lord high admiral of England, and when all the sluices of the Treasury were open to his commands, and almost all the royal power of his brother deputed to him for that purpose. How that power has been misused, or how that money has been misapplied, the public have a right to enquire into, and to be made acquainted with; and I hope your lordships will not prevent the means of doing it, by leaving the power in the hands of him, who, whilst he has it, will use it to defeat your enquiries. My lords, 'tis something past my comprehension, and has something more than the appearance of neglect (wherever that lays). What is become of the navy, or what is become of the money granted for it? It is a plain question; the people of England expect an explicit answer!

My lords, I stated to your lordships the last year, and it is on your table, that when that excellent officer, that great and good man, sir Edward Hawke (now lord Hawke) left the Admiralty-board, the latter end of 1770, or beginning of 1771, he left on the Navy List, which I have in my hand, 139 ships of the line. 81 then fit for service, 12 repairing, 14 building, 32 in a doubtful state, makes 139, besides seven foreign ships purchased. What ships have since been broke up, or what ships have been since built, either in the King's or the merchants' yards, I will not ascertain, though I have a pretty authentic account in my hand of every thing relative to the navy, because your lordships thought proper to refuse me the necessary and official informations which I requested; but as I suppose your lordships to have refused those papers from considerations of state, I will not say more; but, my lords, this I know and will say, that the sum of 24,181,838*l.* 17*s.* 2*d.* has been granted for naval purposes since the year 1771. Where, then, is the produce, where the effects of such immense, such extraordinary, unprecedented sums?

The fleet might have been, at least, one half augmented, from only a due proportion of that money having been properly applied to the repairing and building of

the royal navy: instead of which, the navy of England is now so considerably reduced, that on the 26th day of October last, when admiral Keppel returned to port, which being a remarkable period, and one that it was natural to imagine all our utmost efforts had been exerted, and therefore I state our numbers at that time; after having been, as I said before, so long at open hostilities with France, and expecting every day to be so with Spain.

The fleet for service stood then only thus:

The ships under admiral Keppel's orders were 33 of the line; returned from America were 4; at Spithead for different services and fitting 7; 3 of which unfit for sea; Portsmouth harbour (a first rate) 1 fitting; Plymouth (ditto) 1 ditto; Chatham 3 ditto to receive men; the River 1; Mediterranean 1; Jamaica 1; Leeward Islands 2; East Indies 2; St. Helena 1; North America, in all 17;—Total 74, 9 of which were not manned, and only coming forward, therefore only 65 of these were employed, and many of them already complaining.

Yet, my lords, by the accounts given in on the table, in that very month of October, 1778, they pretend to tell you, they had 91 ships of the line in commission—Where were they? when only 65 were employed at home and abroad at so critical a moment, and when they acknowledge that your whole force was required? My lords, it is fiction, it is fallacy, and it is delusion!

My lords, all this is a matter that I should think would stagger and alarm all your former confidence; it does mine; and, I vow to God, I speak only for the good of my country, and from no other motive do I appeal to your consciences. But let us for a moment examine this pretty list of their's.

In the month of March they tell us there were in commission 74 ships of the line.

My lords, the fleet under admiral Keppel's orders then were 31; with lord Howe were 6, which they had no reason to expect were collected; at Jamaica 1; East-Indies 2; Leeward Islands 2; Mediterranean 1;—In all 43.

What then became of the other 31, that we could not then detach to the Mediterranean; that we could not send to reinforce lord Howe; that we could not reinforce Jamaica, nor the Leeward Islands, nor the East Indies, nor have a cruising squadron to protect our coasts from the privateers?

My lords, in the month of May there

are said to be 78 in commission of the line, besides fifth rates, yet admiral Keppel was sent out against 32 of the French with only 20 of the line of ours. Vice-admiral Byron sailed with 13 to America; lord Howe remained with his 6; Jamaica remained with 1; Leeward Islands with 2; East-Indies with 2; and the forlorn Mediterranean still with 1;—In all 45. Where then were the remaining 33, that neither admiral Keppel could have more against the French superior force, the Mediterranean any, or that in all this time you could have any cruisers, nor your islands be reinforced?

How stood the numbers in August, my lords, when admiral Keppel having been reinforced in June, and had had his action, returned to sea from Plymouth to look for the French fleet again, and who had got to sea with their fleet ten days before ours?

The list given in, tells us, there were then 88 ships of the line in commission.

Yet admiral Keppel returned with his same 30 crippled as they were; vice-admiral Byron was gone with his 13; vice-admiral lord Howe remained as before with his 6; Jamaica continued with 1; Leeward Islands with 2; East Indies with 2; the Mediterranean with 1; no cruisers, and therefore in all 55. What then becomes of the remaining 33, in all these months, that none could yet be detached to reinforce, to relieve, nor to cruize; nor were there on October the 26th, when admiral Keppel returned to Portsmouth, ten sail of the line ready to put to sea, though (as I said before) they wanted that number to go with sir John Lockhart Ross, to cruize at that time, and who was to have been sent out chiefly with ships composed of those returned with admiral Keppel; but, however, they were so long a collecting and getting refitted, that westerly winds set in, none could go out; and yet, my lords, according to these very authentic lists, you had still 33 ships of the line in port to spare, and none coming out yet: I believe there never was, at any time that we have been at war, such strange management of the navy, nor can I well account for the absurdity of it, unless the noble lord has withdrawn all his confidence from the best, and almost only official assistance he has there, I mean from the secretary; the most diligent, most intelligent, and indefatigable man in business I ever knew; and from whose absence, or sickness, I am not at all surprized at any thing that may happen to go wrong in that department.

And now, my lords, having gone through the numbers and state of our own fleet, give me leave to state the account of the French fleet, as by the best intelligence acquired by captures, and other information, can be procured.

Under M. D'Orvilliers' command, at the time of the action off Ushant, the 27th of July, were 32 sail of the line; left at Brest, fitting and repairing 13; Mons. D'Estaing's fleet from Toulon, in all 13; M. De Fabrè's squadron in the Mediterranean 7; there were building at Toulon, with all speed, and fitting 11; at Rochfort were fitting 5 of 54 guns;—in all 81 of the line. Of these 81, there were 69 of the line fit for sea. My lords, I have all the different lists in my hand, if any lord pleases to examine them; and I wish any would, to shew the noble lord what my intelligence is; though I know it does not much differ from that which his lordship has had, however ill requited the poor man has been who at every risk gave it; but as the noble lord understands me, I shall not give the least distant hint of whom I mean to any other.

Let us now look over the list of the Spanish fleet; the names of which, and number of guns, I have in my hand: ships of 112 guns 1; of 80 guns 10; ships from 70, '68, 64, and 62 guns 45; of 58 and 56 guns 3;—in all 59, besides 30 frigates; and innumerable other vessels, as galleys, xebèques, barks, &c. Let us now compare these three great naval powers: Here are of France 81; of Spain 59;—total 140 of the House of Bourbon.

England had in October last 65 employed, 9 fitting;—total 74 fitting and coming on for service.

I should be glad to know how the navy of England came to be thus reduced in ships fit for service since 1771, with such immense sums of money granted for its support, and its increase; and how it came to be so inferior to that of the forces of France and Spain; and I wish to know how the noble lord at the head of the Admiralty, will, therefore, account for his not having had a fleet ready and equal to the united force of France and Spain, as he has often boasted he ought at all times to have had.

My lords, here is in my hand an authentic list of the royal navy, delivered to me when I first went to the Admiralty board, in 1771. I believe this cannot be disputed; I only desire to read, as part of my speech, the very short abstract of the ships of the line, &c.

Here are 139 ships of the line, besides 13 fifty gun ships, which the noble lord says are never of the line, and 230 frigates. In all, 382.

Now, is there a noble lord in this House, is there a man in this kingdom, but must feel indignation at such a reduction of the navy at this time, and with such sums as have been given for it; and at the same time to hear such fallacious accounts as have been repeatedly given to your lordships by the noble lord at the head of the Admiralty?

My lords, looking into the grants made by parliament for the services of the navy, between the years 1751 and 1759, I find granted in that time for naval purposes - - -	19,403,663	1 1½
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Out of which was to pay towards discharging the navy debt, and money given for building and repairing the different hospitals of Greenwich, Haslar, Plymouth, &c. - -	2,139,696	9 0
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There remained of those grants for naval services of extra, wear and tear, and ordinarities - - - - -	17,263,966	12 1¼
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Therefore you will find, that although we had been above four years at war between 1751 and 1759, with France, and that between 1771 and 1779 we have had 21,181,838*l.* 17*s.* 2*d.* And though we have only been at open hostilities since last July, yet there is an increase of the grants to the navy in these last seven years, of 6,917,872*l.* 5*s.* 0¼*d.* A sum of itself sufficient to have doubled the navy of England, with all its appurtenances.

My lords, I should be ashamed after such public facts, such undeniable truths as I have now laid before your lordships, to take up more of your time, or to think you could require a word more on this subject, or that it was necessary for me to enter into a more minute discussion of the present particular situation of every branch of the naval department, which, if I attempted, I should be again reproached with having held forth to the world, what ought to be concealed from the enemies of the state; and which, indeed, I have no

great occasion to do, when your lordships reflect on the noble lord's own declaration to the court martial lately held on admiral Keppel, as to the impropriety of shewing the private letters that passed between his lordship and that admiral, on the state of the ships that composed that fleet, which therefore, he said, made it improper to shew those letters. My lords, if that was so, it could not be from its being a favourable report of the state of those ships; but I will say no more on that head, only leave your lordships to judge from his own words of his own conduct; though, at the same time, give me leave to observe to your lordships (as I have on a former occasion) that I never will allow that apprehensions of this nature are to influence this House, or to deter us from doing our duty here; for without pointing out the errors and misconduct of those who superintend the navy, or any other department of the state, we can never be of any service to his Majesty by advising, or to the country by enquiring; it will be impossible; they will give us no other papers or accounts than what they please, and we shall remain ever in the dark. My lords, I, for one, will never submit to this; I care not who knows it; I wish more heard me than do; I speak as an independent man, and one solely attached to the interest and welfare of my fellow citizens, without any other view whatever.

But, my lords, I have already told you, unless urged to it, I will say no more on this head, only earnestly request your lordships, that you will not wait till the whole navy of England is ruined, by such a continuance of misconduct; till the trade of these kingdoms is all annihilated, and till you have lost all your colonies, before you do justice to the people for the injuries they have received, and are daily receiving; and which I make no doubt, but your lordships may at once prevent, by a dutiful and proper address to our most gracious sovereign, to remove one of the principal authors of this misconduct, from a place of such trust and consequence as he now holds.

My lords, I need not tell your lordships, that there are various parliamentary methods of removing any minister, and which all but one tend to punish as well as remove: a bill of impeachment, a bill of attainder, bill of pain and penalties; all these tend to punish as well as remove; and that of addressing the King to remove from his Majesty's councils and pre-

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sence for ever, tends only to remove the evil, without inflicting any real punishment on the offender; and yet, my lords, I have chosen a still much milder method than any of those; and therefore I do not doubt but I shall have the concurrence of every one of your lordships, who have, for so long a time past, been condemning the measures that have so notoriously brought the navy, and consequently the nation into this deplorable and disgraceful situation; nor doubting, that many lords who have formerly joined in approving those measures, from being now convinced of their pernicious tendencies, and how much they have been deceived by the misrepresentation of artful men, that they will condemn those very measures they were formerly seduced to approve: and of all others, they, my lords, have the greatest reason to concur in my motion for addressing the King to remove a minister from an office, who has proved himself so incapable of holding that office with any credit to his King and country. And therefore, my lords, I shall move "That an humble Address be presented to his Majesty, that he will be graciously pleased to remove the right hon. John earl of Sandwich, first commissioner for executing the office of lord high admiral of Great Britain, &c. and one of his Majesty's most honourable privy council, from the said office of the first lord commissioner of the Admiralty."

The Earl of *Sandwich* rose, made declarations of conscious innocence, of his sedulous attention to the duties of his office, and of the happy effects produced by that attention in the present flourishing state of the navy. He said he had felt, both in private and public, attacks which must have shaken any mind that was not upheld by an inward satisfaction that he had faithfully performed his duty. However unjustly his public conduct had been arraigned, it furnished him with one consolation, which fully balanced every disagreeable circumstance relative to the manner those charges had been brought forward; it furnished him the means of justifying his conduct, and of clearing his character. Before he proceeded to answer the charges urged against him by the noble earl, he begged leave to explain one leading circumstance to their lordships; that was, an imputed responsibility for the conduct and event of the measures, which as first lord of the Admiralty he was called upon to carry into execution. In

that capacity he acted ministerially: the measures were the measures of administration alone; they were no more his than any other of his Majesty's confidential servants; they were determined upon in council, and before they came to him, must have the approbation of his Majesty. If any censure was due, he did not wish to shift that part of the general responsibility, which as one of his Majesty's advisers came of course to his share. All plans, expeditions, and instructions were submitted to the cabinet, considered there, and decided finally. All he was, therefore, answerable for was, the proper employment of the means put into his hands, in point of preparation, equipment, &c. and the carrying into execution the measures agreed upon in council.

His lordship then proceeded to answer the noble earl who made the motion, on the several heads of objection. On the monies granted at the two different periods alluded to, and the surplus of expenditure, which the noble earl called upon him to account for, he made no doubt but he should be able to give their lordships entire satisfaction. Our ships were of larger dimensions; we had a greater number of 60 gun ships in our line of battle at the period alluded to than at present. There had been two fires, which had done great mischief in the dock-yard at Portsmouth, and one at Chatham: but the principal cause was, that we had a much greater stock of naval materials of all kinds now than we had when he came into office. Instead of 13,000 load, or about six or seven months consumption of timber, we had 72,000, or what was equal to a consumption of three years. We had a provision of five years hemp; we had, indeed, such quantities on hand, that we had not storage for it; insomuch that we obliged the contractors who supplied us with ropes, &c. to purchase from the navy-board. We were equally well prepared in the articles of iron, pitch, tar, and masts, having two or three years in hand, and two or three years engaged for. We had sent several thousand tons to our squadrons on their respective stations, North America, East and West Indies, Minorca, Gibraltar, Africa, &c. His lordship then contrasted the present state of preparation to what it was on his coming into office, when no timber could be procured on any terms; when the ships, upon paper, were mostly rotten or unfit for service, being built with green timber at the close of the late war.

This, he said, was merely the effect of a monopoly of the timber merchants, and the great demand occasioned by the consumption of the East India Company. He promoted a Bill for restraining the number of tons to be contracted for annually by that Company, which was carried after a strong opposition; and he contracted for foreign timber, which answered extremely well; the consequence of which was, that the monopoly was broken, the waste of timber of native growth was put a stop to, and we had now more than a sufficiency of British timber to answer the demand; nay, much more than we had any room in our docks or arsenals to store up. After having thus endeavoured to account for the excess of expenditure between the two periods, his lordship proceeded to answer the noble earl's detail. He observed, that in 1756, the number of line of battle ships were 61; whereas, after three years war, in 1759, they amounted to no more than 97, and never rose higher, several of which were taken from the enemy. In 1776, our navy consisted of only 36, and in the present year they were 80, besides ten more put in commission; the deduction was clear, that at the former period of three years we had added to our naval force but about thirty, while within the latter period we shall have added upwards of fifty.

His lordship then entered into a view of the comparative details of the naval force of Great Britain and France last October and now. He was satisfied that the noble earl was misinformed; the person alluded to, who the noble earl said had not been rewarded for his services, knew very little. The noble earl might give any credit to that person's accounts he pleased; but they were such as he would never depend upon. The noble earl said, the whole amount of our force in October was but 74 upon paper; and in reality, including the guardships, and those in commission unfit for service, no more than 65. Here his lordship enumerated the different services and stations; Western squadron 33; 17 in America and the West Indies; two in the East Indies; one in the Mediterranean; five guardships, and 20 on cruises, at the respective dock-yards, or in great forwardness, in all 78; every one of those ships were now at sea, or fit for sea; but supposing that nine of them were not, still it was a proof that we had 69 or 70 in October last, while the most the noble earl could make the navy of France at that

period was 58. The navy of France at present, the noble lord says, consists of 81, which is extremely improbable; he will not say, I presume, ready for sea. What is ours? 79 complete, ten in commission, and seven building, which will be ready for sea by the close of the year, in all 96, within one of the highest year of the late war, and the third only of our actual war armaments.

After meeting the noble earl's assertions on those several heads, his lordship proceeded to answer the other parts of his speech. He said, in dominions so numerous and vastly extended as ours, it was impossible to procure a defence for every part. Every part, however, was protected, and we had a clear superiority, but in the Mediterranean. Should we send a force thither, some of the other services must be neglected: but when the noble lord asserted, that the Mediterranean was abandoned, it was a language he would never subscribe to; abandoning, imported a relinquishing of our fortresses and trade there, which was not the case in fact, nor the intention of administration. Spain, to be sure, continued friendly in her assurances: but would it be prudent, either last year or now, to risk a squadron into that sea? He was convinced of the skill and gallantry of the British seamen; but he likewise was convinced, that the utmost exertions of both must give way to superior numbers. It was impossible to trust to assurances, so as to risk any great event. Spain was armed, and according to the noble earl's information, most powerfully armed; and he left it to the consideration of the noble lord, whether it would be prudent to hazard a squadron, which must either submit, if Spain should take a part, or force its way through an enemy greatly superior. The last he was certain would be the choice the officers and seamen would take; but a most melancholy and hazardous alternative it must be, to be compelled to engage upon such unequal terms.

If, then, it would have been improper and dangerous to detach a squadron to the Mediterranean last summer, it would have been equally so to have sent out admiral Byron to America till the actual destination of D'Estaing's fleet was known, which could not be till after an account was received of his passing the Gut of Gibraltar, and shaping his course across the Atlantic; for, only look to the possible, nay the probable, consequence. If

Byron had gone off early in May, which is the proper time those who have condemned the measure have fixed for his departure, D'Estaing might have been easily countermanded, and have joined D'Orville's at Brest, which would perhaps have realized those imaginary dangers the noble earl had so earnestly endeavoured to impress on their lordships' minds. Administration, in his opinion, adopted the wisest measure; they waited till D'Estaing was known to be on his way across the Atlantic; they then detached, and if the elements had not warred against us, Byron would have arrived in full time to have met D'Estaing, and with the decisive superiority he then possessed might have destroyed the French squadron, and by that means probably put an end to all future naval rivalry from that quarter.

The noble earl had condemned, in very severe terms, the sending out Mr. Keppel in June with 20 ships, when he knew, or ought to have known, that there was a much superior force ready for sea in Brest water; he did not know, nor could have known any such thing, because he firmly believed that Mr. Keppel was fully equal to the French fleet when he sailed and when he returned: yet as the admiral imagined he was not, he thought he acted very prudently in returning into port. Much merit was due to that officer for his conduct; but he would not have it understood, that he disobeyed his orders by acting as he had done; on the contrary, his instructions were to return if he found the French superior; the true ground of his justification was therefore an obedience, and not a disobedience of orders. His instructions were discretionary; yet lord Hawke, upon similar orders, acted in a different manner: his instructions were to cruise 14 days off Brest with an inferior force; he out-stayed his time, and on his return gave for answer, that he did not regard a small superiority.

In answer to the number of line of battle ships lord Hawke left when he quitted the Admiralty, it was not necessary to contradict the noble earl, or minutely enquire into the state and condition of each respective ship; it was enough to say, that they only cut a figure upon paper: but when it was so emphatically asked by the noble earl, where they were? he would answer him, that 21 of the line had been broken up, and 60 frigates; and that two line of battle ships, and 56 frigates, had been either destroyed or taken since the

commencement of the present war, making in the whole about 140.

As to the two assertions on which the noble earl seemed chiefly to ground his motion, that of our having 42 ships ready for sea in November, 1777, 35 really ready, and seven in such a state of preparation as to be ready to go upon actual service in a fortnight, he was still prepared to prove it. He had a list of the names of the ships, the number of guns, and the complement of men shipped, or ready to ship. The noble earl said, why, if in November 42 were ready, how came it to pass that no more than 47 were ready in June? That was not the fact; four of the former list became either unfit for sea, were condemned, or refitting; and ten more were in such a state of forwardness, as to be able to join Mr. Keppel before the 23d of July. He thought the frequent contradictions he had given to the expressions imputed to him, of his saying, "that no person was fit to be at the head of the Admiralty, who did not take care at all times to have a fleet equal to the united powers of the House of Bourbon," would have prevented him from hearing any more upon that subject. He affirmed, he never said any such thing. It had got out in pamphlets and newspapers; it had been misrepresented in that House, and in another assembly, in debate, but he would once for all repeat, that his words were not, a first lord of the Admiralty, but an administration.

He dwelt a considerable time on the equipment of the fleet under the command of admiral Keppel: he said, the ships that composed it were in a high and finished state of preparation for actual service, and all well manned but the Thunderer, commanded by as brave, as worthy, and as able an officer as any in the fleet (captain Walsingham) and that his ship thus manned, acquitted herself in the action with as much honour as any other in the fleet. He took notice of the noble earl's having said, that the French fleet, after the action of the 27th, were at sea ten days before us, which was to him a mathematical demonstration, that we were more beaten than they; and he confessed, when he went down to Plymouth, after the return of the western squadron, he was astonished at the damage the fleet had received, nor could he have credited it, had he not seen it himself.

His lordship next proceeded to enumerate the advantages we had gained in the

course of the naval campaign, both in respect of the protecting our own commerce, and capturing, and otherwise distressing, that of the enemy. If there was no naval victory obtained, there were other advantages to balance the national disappointments on that head. Only suppose, that M. Sartine had upon much better ground been attacked for the ruin of the merchants and the destruction of their trade, he will probably reply with an "*Allez vous en*, I am glad the trade of the country is gone, there will be so many more men for the king's service." After travelling through a vast deal of miscellaneous matter, his lordship jocularly observed, that he would not vote for the dismissal of John earl of Sandwich from his office of first lord of the Admiralty, nor would it be decent in him to vote at all; but he begged their lordships to understand, that he should be much obliged to such of them as would vote for keeping him in his place.

The Earl of *Bristol* said, in reply, that the noble earl had endeavoured to establish a personal irresponsibility; but this was a doctrine he could never subscribe to. The councils of the cabinet were formed in consequence of the information they received from the first lord of the Admiralty, and measures were adopted accordingly. If the cabinet ministers were misled, the opinions formed in the cabinet must partake of their origin: but supposing the contrary; supposing that the error originated in the cabinet, and the noble earl was out-voted there, was not the noble earl bound, by every tie public and private, not to remain in a situation where, according to his own confession, he must be obliged to act under an administration no longer fit to direct the councils of this country, because they had "not provided a naval force equal if not superior to that of the whole House of Bourbon." He next mentioned a fact, which, he said, ought to make the noble earl blush, that of the great quantity of stores in the several arsenals, though it was a matter of public notoriety, that several of admiral Keppel's squadron, when under sailing orders, had their rigging unreaved, in order to equip some of the ships then going out under the command of admiral Byron. His lordship concluded his reply with stating a passage in the noble earl's speech, in which he laid it down as a matter not to be questioned, that it was impossible to defend all our coasts, without deserting the protection of our depen-

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dencies. For his part, as long as he knew parliament or ministers, he never heard such a public declaration made by the first commissioner of the naval department. It had been frequently urged, as a matter of censure, that by exposing our weakness, we had invited an attack from the enemy; whereas, in the instance just mentioned, there could not a single doubt remain with our enemies, that the British empire was unequal to the defence and protection of its dominions. He sat down, after reminding their lordships, that he had in every single particular fully established his charges.

The Duke of *Bolton* said, from the want of petty officers, the lieutenants and other several subaltern officers had been obliged to neglect their own duty, to perform that of their inferiors. He spoke of the necessity of having a greater number of flag officers employed in times of actual service; and after condemning the equipment of the ships, and bad manner in which they were manned, affirmed, that all discipline was at an end. His grace spoke on the bad policy of neglecting the Mediterranean, and was severe on the noble lord, on the point he seemed most to plume himself upon, that of the state of our naval stores, not one of the enumerated articles being in the state which had been asserted by the noble lord.

The Earl of *Sandwich* said, he was ready to prove the facts from authentic papers, relative to the account he had given of the state of naval stores. Much stress had been laid upon the delay of the refit of the western squadron, after its return into port, subsequent to the engagement of the 27th of July: but he contended it was not the want of naval stores that occasioned the delay; but our fleet was so beaten, and suffered so much more than the French.

The Duke of *Richmond* observed, that the elements had not warred against us, but for us; for if D'Estaing, who cleared the Gut of Gibraltar on the 16th of May, had not had the elements to war against him, he must certainly have reached the Delaware three or four weeks before Byron, who did not leave Plymouth till the 9th of June, by which means lord Howe's fleet, and sir H. Clinton's whole army, must have been taken or destroyed. Upon the common scale of probability, therefore, if D'Estaing was clear of the Gut of Gibraltar upwards of three weeks before Mr. Byron left Plymouth, it was fair to

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conclude, that he would have reached America upwards of three weeks before him. His grace spoke on the bad treatment, the manifest coolness, and neglect shewn to the admiral of the western squadron, and, in particular, the language of the noble earl at the head of the naval department, respecting that gentleman's conduct. The noble earl said, "He was certain that when Mr. Keppel returned from his station off Ushant in June, he was equal to the French force then in Brest." He wished to know if those were not his words, for so he had taken them down; and he called upon the noble earl to avow, explain or retract them, otherwise he should argue upon them as acknowledged. Here there was a pause for a few minutes. Lord Sandwich not answering, he called upon him a second and a third time. At length

The Earl of *Sandwich* said, he would answer no questions put to him by an individual lord, unless he was to understand that it was the sense, and at the desire of the House.

The Duke of *Richmond* said, the explanation called for by him was merely personal; it was a matter not properly cognizable by the House; he only wished the noble earl to explain or state his meaning, in the sense in which he desired to be understood. He would consequently meet the assertion as avowed, and argue upon it accordingly, since the noble earl had declined to give any explanation. He contended, that the assertion was not true, for Mr. Keppel was not equal to the French force when he returned into port; and if the noble earl would appoint any third person, he would give undeniable proofs to that third person that the fact was not so. He called upon the noble earl to assert it again upon these conditions; he knew he could not; he knew he dared not. The noble earl affected to qualify what he said, by allowing that Mr. Keppel acted very properly in returning. How could that be? The qualification was worse, if possible, than the assertion. If Mr. Keppel turned his back upon an enemy only equal to him in force, it was evidence incontrovertible, that he had dishonoured the flag committed to his charge; and instead of acting prudently and properly, he would have acted both imprudently, improperly, and disgracefully. If the noble lord did not think fit to retract his words, or explain, the conclusion on either hand was inevitable.

Another expression fell from his lordship, which, if possible, called more directly for explanation than the former. Speaking of the circumstance of D'Orvilliers being ten days at sea after the engagement earlier than Mr. Keppel, his lordship said, "Our fleet being so much more beaten, as I said before, than that of France." Is not this an explicit assertion, that our fleet was more beaten than that of D'Orvilliers? Is it not an express acknowledgment of what France pretends, and no man in Europe but his lordship believes: that our fleet was beaten because it was more beaten? How will this account sound in France? How will it be received on the continent, when it is told, that the first lord of the Admiralty affirms in his place, that the British fleet, consisting of an equal number of ships, but having a great superiority in the rates of the ships, the number of guns, &c. according to his lordship's repeated assertions in this House, was more beaten under those circumstances than the fleet of France. After some pointed comments on the probable consequences of such a language, and such an avowal, he entered into a consideration of several other particulars, which came out in the course of the debate; and observed, that the situation of this country was surely very lamentable indeed, if we had only a doubtful superiority over a single branch of the House of Bourbon, and that the superiority was more than balanced by the superior skill and bravery of our enemies.

He observed, that Spain was looking on with a view to join France, at the first moment such a junction promised to be fatal to England; for it was the intention, as well as the interest, of the House of Bourbon, to crush Great Britain, or at least set bounds to its growing naval power, which, in their opinion, would soon become much too formidable, should Great Britain and America be ever again united under the same government. France had forborne to come forward to a late period, lest an early interference might alarm us, and have induced this country to hold out reasonable terms to America: but when they found us engaged in a continental war at 3,000 miles distance, and our resources in men and money nearly exhausted, they pulled off the masque; and he had every reason to believe, that Spain was acting the same part, and that his former predictions would come as literally true; that we should at length find our-

selves engaged in a most hazardous, expensive, and bloody war, with the united force of France, Spain, and America.

His grace then proceeded to state the naval force of France from authentic documents which, he said, he had in his possession, and which would confirm the statement made by the noble earl who made the motion. His grace asserted, that there were on a particular day at Brest, 14 ships of the line ready for sea, 13 nearly equipped, and eleven either building or repairing, and in a considerable state of forwardness, in all 38; under *Le Grasse* at least five; with *La Mothe Piquet* five; under *Vaudreuil*, on the coast of Africa, two; at *Toulon* seven, including *Fabre's* squadron; at *Rochfort* ten, part ready, and part in great forwardness; in the *East Indies* two; under *D'Estaing* 11; and three on cruizes; amounting exactly to the number stated by the noble earl. But, supposing that ten of those should not be ready, or even 13, still the noble lord at the head of the Admiralty must confess, that France would at least have 70 ships of the line at sea in the course of the summer, which was very nearly as many as Great Britain.

The Earl of *Sandwich* did not believe the account given of the naval state of France to be correct. To the charges made against him by the noble duke, of two expressions which he had imputed to him, one respecting the fleet under adm. Keppel having been equal to the fleet of France; the other, that the British fleet was more beaten than the French, he thought it very unfair to catch at his words, and cruel to misinterpret them. He never meant to say positively that Mr. Keppel was equal to *D'Orvilliers*; he only said, for any thing which had yet appeared to the contrary, he was; so he affirmed still; but he had reason to believe that the French fleet might be more numerous, perhaps it might amount to 23 or 24; but what he meant was, that, considering our superiority in three deckers, the difference of number against us might have been counter-balanced. In that sense he wished to be understood; he never had the least thoughts of passing any direct or indirect censure on Mr. Keppel's conduct; on the contrary, he thought he acted very properly, and would, whenever called upon, be ready to declare it. The charge of his saying, that the British fleet was more beaten than that of France, was equally ill-founded; such an idea never

entered into his head. He had seen the fleet on its return to *Plymouth*; it had suffered greatly indeed; he meant no more than that, and was astonished when he heard the noble duke wrest his words to a sense he never meant to convey.

The Duke of *Richmond* was satisfied with the explanation; but begged leave to observe, that it was rather unlucky that the noble lord had not rose immediately, when called upon, as it might have prevented very improper ideas getting out into the world, both respecting Mr. Keppel's conduct, and the honour of the British flag; but respecting his own conduct, he had a word or two to say. The explanation given came accompanied with an assertion he would never let pass uncontradicted: that was, a direct and positive denial of the words; because, if he did, their lordships would go away with an idea, that he had imputed expressions to the noble earl which had never fallen from him. His grace then read the notes he took at the instant the noble lord was speaking. His first expression—"I am perfectly satisfied, that Mr. Keppel was equal to the French fleet, when he returned."—The other—"It was to him a full demonstration, that the reason why the French got ten days earlier to sea, after the action of the 27th of July, was, because, as he said before, they had been more beaten." Before he sat down, his grace said, that the words of ministers were not to be trusted to, even in matters of indifference, much less in those of real importance; and then entered into a narrative of the conduct of the minister in the other House and the noble viscount (lord *Weymouth*) who after being regularly informed of each progressive step of the treaty entered into by France and America, and of its actually being signed, denied, when asked by an honourable relation of his (Mr. Fox) and a noble duke near him (*Grafton*) that they had either heard or believed a syllable of the matter.

Lord *Stormont* condemned loudly the frequent indiscretions which noble lords were guilty of in mentioning matters of state in that House. While he was in a public character at Paris, he had almost daily reason to experience it. It was not necessary to enter into particulars; but he believed that news-paper accounts, and other publications, in pamphlets, &c. of their lordships' debates, containing angry and indiscreet expressions, either respect-

ing the French court or the French king, had worse effects than any thing else whatever in bringing matters to their present state. He was very sorry to hear Spain brought into the present debate; the conduct of crowned heads, and the spirit and ability of great nations, were subjects of a very delicate nature, and ought to be mentioned with great caution. It was the noble lord that made the motion who first mentioned Spain; but he had to lament, that the noble earl who replied, and whose great abilities he was ready to confess, had taken any particular notice of it. The words of persons in high office, and in the secret of the public councils of the nation, were watched, and frequently made very improper impressions. He said, one general answer would serve on such occasions; that is, a proper trust in the assurances given by friendly powers, and, at the same time, a full resolution, independent of any external circumstances, to preserve the honour, and steadily pursue the interests, of the nation.

Lord *Lyttelton* said, he enjoyed a place under government, which ministers were welcome to, if they thought it a crime in a man to declare his mind, when the dearest and most vital interests of his country were at stake. Nothing should prevent him from speaking his mind; and, even upon the most sordid motives, he appealed to every lord present, when the fall of stocks, decreased value of landed property, and accumulated new burdens, were taken into the account, whether it was worth the while of any lord, or any man of property, to partake of the favours of government, when it was considered, that what he received as a placeman was no more than what he lost as a land-owner or a man of property.

The noble viscount had talked of the necessity of being delicate and reserved in what was said in that House respecting Spain; he saw no reason for any such delicacy; the subject was important, and it ought to be met fairly. Spain either would or would not join France; to temporise was to lull this country into a state of doubt, and might increase the danger that would attend the interference of the court of Madrid, whenever she should interfere; he hoped therefore the ministry would insist on explicit answers from that court. The noble viscount had talked of private friendship, and compared it with the faith of nations, and the friendly assurances of one sovereign state to another; surely the

noble viscount was not serious in that part of his argument, and did not imagine that any one lord would be weak enough to adopt the position! The case was widely different: private friendship arose from a similarity of mind, a similarity of principles, a similarity of views, and often of consanguinity, and of relationship; but, even in the latter case, their lordships had instances of the little hold of that tie. Could it be said that Spain and England had the same principles, the same views, the same consanguinity, or the same relationship? Did not the Family Compact stare us in the face; and was it not a notorious fact, that the separate branches of the House of Bourbon were bound by treaty to assist each other when either of them was attacked? Let the noble viscount also recollect, that it was but the other day, that the same argument which he had dwelt upon, respecting Spain, held equally good respecting France, and that too at a very recent period. Was it not the language of ministers, that France was the friend of England; nay, was it not the language of the throne itself? Were not both Houses of Parliament told, in the most direct and strong terms, that France had made such assurances of her friendship, as put the question of her sincerity beyond all doubt, and rendered every idea of her assisting America ridiculous? And yet, what had France done? In the midst of her friendly assurances, she had formally received ambassadors from Congress, and, for a considerable length of time, she had been daily employed in furnishing America, as the noble viscount had himself stated it, with military stores, and the means of carrying on that war, which had cost this country so vast an expence of men and money. At length, to pursue the noble viscount's arrangement of facts still further, she had thought proper to throw off the mask, and our friend, the French minister, came with his famous rescript, notifying to the British government, that the king his master, out of his abundant love and friendship to Great-Britain, had thought proper to enter into a treaty with America, a treaty offensive and defensive, and such a treaty as was to enable America still farther to resist, and to assert her independency. Let noble lords hold these well-known circumstances in view, and then let them judge of the weight of the noble viscount's argument, that private friendship and public amity were synonymous terms, and meant exactly the same

thing: for his own part, nobody had a greater regard for the punctilios of Spain than he had; but he wished to know, from the authority of ministers, what were the engagements, and what the professions of that power, at this critical juncture? All that he could now speak to was, her conduct. At this time she was armed in a most formidable manner: 25 ships of the line, completely manned and rigged, and ready for the sea, with three admirals' flags flying, were in the harbour of Cadiz. She had stopped the entrance of the Mediterranean: had said to England, "Thus far shall you go, and no farther!" prescribing the bounds of her navigation, and adding, "You were once the empress of the ocean, but now not a ship must pass the Straits of Gibraltar without my permission. France may deprive you of the trade of the Mediterranean, Minorca may be taken; but I have certain engagements that must be fulfilled, and you must accommodate yourselves accordingly."

His lordship pursued this argument for some time, stating the probable consequence of our humouring the court of Madrid, and in express words asserted, that if Gibraltar was extorted from us by Spain, as the price of her neutrality, we should find, that Spain would be our friend in May, and, with Gibraltar at her back, our foe in August.

His lordship directed his attention to the particular charge alleged against the noble earl, respecting the sending out admiral Keppel with only 20 ships, when it was stated that there were a greater number in Brest water. He repeated his astonishment that the noble earl had refused to answer the question put to him by the noble duke, and said he had waited with some anxiety, in hopes that an explicit reply would be made either by the noble earl high in office, or some other minister. Did the noble earl recollect, that he had himself declared Mr. Keppel's orders were to return, if he discovered the French fleet to be apparently superior? Did he see the difficulty in which the whole matter was involved, for want of a satisfactory answer? Surely the noble lord did not mean to confess that he sent out admiral Keppel with orders to run away from the French fleet?—and yet that was the appearance of the matter, as it then stood. Either admiral Keppel was to blame for returning, or those that sent him out, under such circumstances, were to blame for having sent him out with a fleet inferior to that

of France. No position could be more obvious or unembarrassed. Blame must lie somewhere; to whom was it to be imputed, or how were their lordships to know in what manner they ought to vote that day, unless some explanation was given? He stated what he had himself heard in another assembly, relative to this business, and repeated admiral Keppel's words upon the subject, when he described the great struggle in his mind, on finding himself obliged to turn his back on the French; that back, added his lordship, emphatically, which had never before been turned on the enemies of his country! The admiral had then avowed that "he gave up his feelings, and the pride of his heart, to the painful sense of the duty he owed his country." The expression was a strong indication of the conflict in the admiral's mind, and while it did him honour, made every man who heard him feel for the dilemma in which Mr. Keppel was at that time involved, made the pulses of their hearts beat quick with the glow of applause that they felt for his conduct, and made them execrate those who had put a commander of distinguished reputation and ability to the difficulty of either risking the safety of his country, or of doing injury to his own feelings, both as a man, an officer, and a citizen. He paid admiral Keppel the highest compliments, and said that those ministers were supremely criminal, who drove such an officer from the service of his country. That, in days of imminent public danger, instead of slighting such men, out of ridiculous punctilions of office, it was the duty of ministers rather to accommodate their caprice, as long as those caprices did not operate to the prejudice of the state, and, by every possible attention, to encourage them to continue in those high military stations, for which their talents, their valour, their experience, and their exalted professional character, pointed them out as the best qualified. He said, no officer in the navy stood higher in the opinion of seamen than admiral Keppel; that the very circumstance of having broke his orders, and returned home, when he discovered the superiority of the French fleet, gained him the greatest honour from his own profession; that admiral Keppel had not gone out merely to fight for a few ships, but to defend our docks, and our arsenals; to defend Portsmouth, to defend Plymouth, to defend the city of London, to defend the navigation of the Thames, and to preserve their lordships' seats in

that very House; in short, to preserve the whole British empire; for no less was the object that admiral Keppel was sent to defend, and no less would have been the loss, if he had been defeated. Either the minister who gave the orders, or the admiral who violated them, was in the wrong. One of the two was certainly to blame, but which of the two was the question. The admiral, in his subsequent conduct, had not only been acquitted by his proper judges, but by the acclamations of the people of England. The conduct of the noble earl in office had not, to that day, been enquired into, nor justified; and it appeared to be the sense of administration to slobber it over, if they were able: for not long before admiral Keppel was sent out with those 20 ships, to meet a force so unequal and so superior, that the first lord of the Admiralty acknowledged he was justified in avoiding it; not long before that, the noble earl had asserted, from official accounts which he produced at that table, that we had a superior force to the united House of Bourbon, and that every minister ought to have such a force who was at the head of his department; an assertion of the greatest weight, of the most material importance; for who could doubt what the first lord of the Admiralty, who must, from his office, have the best intelligence concerning the state of the navy, declared to be true? Who could controvert an opinion which was grounded upon official intelligence? What was the effect of this declaration coming from such an authority? It was admitted to be true; it stopped the enquiry; it suspended the vigour of all our operations. Much might have been done by parliament, if parliament was sensible of the weakness of the country; but the assertion being false, how did it operate? It hood-winked that House; it blinded their lordships where they ought to have seen clearest; or, giving their lordships false hopes and false expectations, deluded them on the extreme verge, to the very brink of destruction. With regard to himself, the noble lord's declaration respecting the state of the fleet altered his opinion immediately; it dissipated his dread of our commencing a war with France with an unequal fleet; it gave him hopes of a successful contest, and it induced him to rise and reply to the late earl of Chatham, in defence of the first lord of the Admiralty, whose conduct that able statesman, the deceased earl, had severely attacked, on the allegation that he had not above 20

ships of the line then fit for actual service. Their lordships doubtless recollected the argument he had used on the occasion, an argument which he certainly should not have had an idea of dwelling upon, but for the assertions of the noble lord, who had that day been properly termed the marine minister of this country. Mutilated accounts from office, his lordship declared, were always dangerous: in the case alluded to, the deception was a two-edged sword; it cut both ways, it wounded friends and foes, but the point of it was turned against the breasts of the people.

His lordship then adverted to the situation of affairs, and substantially expressed himself as follows: The kingdom is destitute of resources and destitute of allies. Our trade decreasing, our manufactories perishing. The first lord of the Treasury has confessed in his place in parliament, that he could only raise seven millions when he wanted eight; and that he was forced to bribe the monied men by ruinous bargains to advance the seven millions. We are engaged in a double war with France and America. As to the American war, however justifiable in its principles, which I think were constitutional principles, it has nevertheless in its conduct been, from the time that general Gage was pent up in Boston, down to the more fatal period of the surrender of Saratoga, when that brave officer, general Burgoyne, was forced to submit to the mortification of surrendering his army into the hands of the Americans, one black æra, pregnant with the most dire mischiefs, the most cruel fortune, the bitterest calamities and the most inexpiable evils, that this country ever endured; and so it will be marked by the latest posterity.

It is now said there is good news—What is it?—Colonel Campbell is arrived from Georgia with the news of a victory, and in the same breath requires a reinforcement. Good God! let noble lords consider the state of the American business as it really stands; Georgia is ours, Boston was ours, Philadelphia was ours, but after five years contest we are reduced to little more than half a province; then what is the object of the American war? America, if it were ours on the terms of the commissioners, would rather be a burthen than an acquisition; but redouble every effort, strain every remaining nerve that this kingdom has left; complete the ruin, send fleet after fleet, and army after army. America, he contended, never

would be ours by conquest. To what purpose are we exhausting ourselves? To what end are we spending our strength? What is the object that we are in pursuit of? It is not taxation; there is no man but Mr. Vyner now in the three kingdoms that has any idea of taxing America: it is not supremacy; it is not legislation; for that has been all given up by the commissioners; they have changed places with the opposition. Lord Chatham's Bill was a Tory system of government, in comparison of what the commissioners offered. They have gone much in concession beyond the noble lord near me (lord Shelburne): they have even out-shot the noble duke (of Richmond) at his own bow; they have given up every thing, and have proposed to pay the debts of America, debts contracted by her military opposition to Great Britain! Then what is the object? It was a question lately put to me by an honest gentleman farmer down in the country, who said, "This American war has ruined us all, and if we conquer America, what are we to get by the conquest?" His lordship added, that it was a question which must be answered; at present a general lethargy prevailed, the people came down to the bar of their lordships' House gaping for intelligence, listening with a greedy ear to their debates, each day hearing, with unmoved muscles, a recapitulation of their own wretchedness and the accumulated miseries of their country, and afterwards went away with perfect composure, like men who left the theatre after seeing a tragedy, in the several incidents of which they had not the smallest concern, and by the distress of the whole of which they were not all affected. If the people of England did not soon awake and rouse themselves, they would be put to death in their sleep. Their lordships, nevertheless, must give him leave to say, that whenever the grey-coated freeholder whom he had mentioned, staggering under the weight of taxes, said, "I will pay no more taxes," the kingdom would be in a convulsion from Cornwall to Scotland.

After descending much at large upon the unfortunate situation of affairs, his lordship said, that in a crisis so alarming as the present, it was wise to call for assistance wherever it could be found; that party and faction should be forgot; that men of abilities, let their political sentiments be what they might, ought to be consulted. The noble earl who made the

motion, however ministers might think him their enemy in that House, was a well-wisher to government, and a firm friend to his country. His abilities in his profession were undoubted; his counsel, therefore, relative to the marine department, on which at this moment our all depended, might be highly valuable. The noble earl near him (Shelburne) had talents which did him great honour, and might be employed with infinite advantage to the state. The noble duke in his eye (Grafton) had before discharged his duty in office, much to the credit of himself and of his Majesty; others there were, who ought to be advised with.

His lordship declared, that in all he had said, he spoke not from motives of personal pique and rancour; to the noble lord at the head of the Admiralty he had none, and he thanked God he had none to any lord in the House. He was far from condemning the noble lord as yet upon any ground of accusation, perhaps he might be innocent of every one that had been alledged; he knew him to have great zeal for the honour of his King and the interest of his country; and that on many occasions he had shewn the utmost alacrity as a minister, and the utmost attention to his official duty. He knew he was attached to it: but in cases like the present, it behoved every man to speak his sentiments; the interests of every individual were at stake, because the interests of every individual were necessarily involved in the general interests of the kingdom. He was as yet, however, at a loss how he ought to vote; heavy charges were made on one hand, and positively denied on the other. There was no proof either of the allegations or the answers before their lordships. He wished that the House would adjourn to their committee-room, and sit from day to day, till they had examined into the validity of each charge. The noble earl who made the motion said he had papers in his hand to prove his assertions; if those papers were laid upon the table, they might assist their lordships in their investigation of the truth of the several facts which had been stated; but their lordships, even then, could not go into the investigation at that late hour of the night.

He took occasion to state his principles respecting the right of taxation of America, which he said he had been taught by that honest and able minister Mr. Grenville, and under his father, to consider as

inherent in this country, however expedient it might be for her to wave the exercise of that right occasionally, or forego it altogether. He declared his defence of ministry for pursuing the American war had been entirely founded upon principle, but that the case was materially altered when ministry thought proper to abandon every one of their avowed objects. His lordship concluded his speech with saying, that upon the whole he wished a spirit of enquiry might go forth, and that the enquiry might be full, free, and impartial. That there must be some known and declared object to justify the continuation of the American war, which had proved so ruinous and disastrous; that in regard to France, no honourable peace could be made with the common enemy unless her marine was extinguished, and by that extinction a vast increase of trade was obtained to this country, in order to indemnify her for the enormous expences of the war; above all, he advised ministry not to dream of peace upon dishonourable terms. The noble lord at the head of the Admiralty said that France was fortified, and this country was open; it were better that we were to fortify our coasts, and that every man, capable of bearing arms, should turn out, and be obliged to serve his country, than that we should patch up a hollow truce with France, for fear of the intervention of Spain.

The Earl of *Abingdon* said, that the last noble lord having said that he took his ideas from Mr. Grenville, and that from that time to this, he had thought, and should continue to think, that this country had a constitutional right of taxation over America, though ministers, who had helped to confirm him in this opinion, had now given up that right, he rose to speak to that point. He said, that the very reverse of that doctrine was the truth; that this country had no constitutional right of taxation over America; that such a right was subversive of the constitution, for America was not represented in parliament; that these were his principles, and should continue to be so, though his life should pay the forfeit of them. He said, that he adopted no system but that of the constitution; that he belonged to no party but such as supported the constitution; that faction was his abhorrence, from the example of ruin which the faction of government had brought down on this country; that truth was his object, and plain common sense the handmaid that led him

to the embraces of it; that on this ground he had set up the constitution of England as his idol, for in this there was truth; that under this constitution he was bound to protect it; that it was the common centre, around which the whole globe of state must turn, and every deviation therefrom, like the fiery comets moving through their eccentric orbs, carried ruin and devastation along with it; that such a comet had appeared in this reign, for by overleaping the bounds of the constitution, torrents of blood had been spilled, and wretchedness and misery upon the human race had ensued. He said, Good God! that any man or set of men should be suffered to run a course so destructive of humanity; that a dead and corrupt majority in parliament had presumed to violate the laws of nature, and take away the rights of the people of England, which no man or set of men can do; and that they had done this, let the acts of parliament they had passed be the proofs in evidence against them; that in doing this they had acted, for corruption's sake, against their feelings, their reason, their judgment, and, above all, against their consciences; a silent monitor, which will not fail to admonish them in this world of the punishment which they will receive in the next.

That the alpha and omega of his politics was reformation, that Look at Home (the motto of the Congress paper money) was his maxim; and that if we had done this in the beginning of all, this villainy in America would never have taken place; that the fountain-head was foul, and must be purged; and until this was done, all that flowed from it would be impure and corrupt; that even now it was not too late to begin reformation, if men were really in earnest; that it would do more good than all our fleets and armies put together, and without it there would be no peace on earth; that the present war was a war against human nature, a butchery, in which we were the butchers, the aggressors, and the sinners *ab origine* against the constitution.

Earl *Gower* confessed, that he had every reason to believe admiral Keppel was inferior to D'Orvilliers, when he sailed the first time from Portsmouth; yet he was of opinion, that the measure of sending him out was perfectly justifiable, in order to protect and favour, by his presence in the Bay, the safety and return of the trade fleets, then upon their way home, from every quarter of the globe. He believed,

and had good reason to do so, that the Brest fleet, when Mr. Keppel sailed with 20 ships, might have consisted of 26 at the most; and when general censures were thrown upon administration for their supposed conduct towards Mr. Keppel, he begged to be excluded. He protested he had no hand in it, whether right or wrong, because he knew nothing of the affair, till the trial was ordered. He knew the admiral long before he ever went to sea, when they were children together; and he never entertained a second opinion of him, either as a seaman or a man. He was a most able officer; he was an honest man. He denied that either Mr. Keppel or lord Howe had been driven from the service. They had motives for declining to serve, and perhaps very good ones. He was sorry that any cause, real or imaginary, should deprive the country of their services; and he was equally so, as he feared the nation would shortly suffer another signal loss, by a resignation which he understood was on the eve of taking place (sir Robert Harland).

The Earl of *Shelburne*. His lordship pointed out the almost total want of discipline aboard the fleet, and the absurd and monstrous measures adopted by ministers, respecting its distribution of our marine as well as our military force, both in America and the West-Indies. All North America was left defenceless, without so much as a single ship to defend it. In the West-Indies, there were 17 left idle and unemployed, and the admiral tied there, waiting for instructions from Europe what to do next. The general at St. Lucia in the same situation, and stationed there only to superintend an hospital, filled with 5,000 of the best troops in Europe. General Prevost in nearly a similar situation in Georgia; and sir H. Clinton returning home for want of a reinforcement, the troops intended for that service, which should have been sent off early in March, detained by contrary winds. God knew when they might get there; and when they did, the campaign would be so far spent, as to render them entirely useless for this year. He spoke very fully to the total want of discipline aboard the fleet; talked of a mutiny aboard the three flag ships in the western squadron last year, and observed, that the treatment sir R. Harland received while giving his evidence at the court-martial now sitting at Portsmouth, was a very bad omen of what would probably happen, if he went to sea

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with two of the members (supposed to mean Digby and Derby) of that court-martial, who were rear-admirals, with whom he must co-operate, and might be called to command.

The Lord Chancellor opposed the motion on the ground of a want of evidence; no fact had been proved, because none had been asserted on one side which had not been contradicted on the other. If any thing was meant to be seriously urged, the facts should be enquired into and proved; but it was monstrous to suppose or presume, that their lordships would come to a vote of censure or removal, without a single proof being adduced of the facts which were urged in its support.

The Duke of *Grafton* produced a note of the noble earl's expression (*Sandwich*) which he had denied, dated 20th of November, 1777. He said, he took it while the noble earl was speaking, and transcribed it fair, before he left the House. The note, after stating the assertion about the 42 ships of the line, further reported, that the noble earl, in reply to what had been urged to the contrary by lord Chatham, said, "That no man was fit to be first lord of the Admiralty who did not always take care to have a fleet equal to the fleets of France and Spain."

The Earl of *Coventry* confirmed the charge of the noble earl's engagement. His lordship did not confine himself to a single time, but said, he had heard him repeat it very often.

The Earl of *Effingham*, in reply to the Lord Chancellor, said, the argument coming from him, was the most extraordinary he ever heard; for the noble and learned lord had uniformly, on every motion for information respecting the Admiralty, opposed the giving way, and now had the modesty to argue against the motion, for a want of those proofs which he had been chiefly instrumental in withholding; for when two, if not three, of the members of the cabinet were for giving the papers, containing copies of the orders sent to the Cork victuallers to proceed to Philadelphia, after it had been evacuated, as well as in various other instances, since the commencement of the session, his lordship alone set his face against it.

Lord *Craven* said, that the noble earl (*Sandwich*) having attributed the present deficient state of the navy to the most deplorable and despondent situation in which he found it upon his coming to the head of the Admiralty, he could not admit of the

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noble earl's inference, because the six millions of money and upwards, which it appeared that noble earl had received more than any of his predecessors in the same given time, was sufficient to shew that this ought not to have been the case; yet as to the fact which the noble earl stated of the deplorable and despondent situation of the navy at the time mentioned, he perfectly agreed with his lordship: for it was in his recollection, that, being of this opinion, he had had the honour to make a motion to their lordships, as the Journals would shew, for an enquiry into the state of the navy, but a very few months before that noble earl came to the head of the Admiralty; and he remembered, too, that a very different language was then held out to him, and particularly by that noble earl himself, who not only debated against the question, but divided in a considerable majority against it. His lordship then desired that the motion upon the Journals be referred to, and which being read, his lordship concluded with saying that to the other charges which had been brought against that noble earl, was now added the conviction of the inconsistency of his conduct.

The House divided; for the motion, 39; against it, 78.

Protests against the Rejection of the Motion for the Removal of the Earl of Sandwich.] The following Protests were entered:

"Dissentient"

"Because, as it is highly becoming this great council of the nation to address his Majesty for the removal of any minister for neglect of duty or incapacity, in order to prevent public detriment; so we conceive the notoriety of the facts in this debate sufficiently warrants, and the present alarming situation of public affairs loudly calls for this interposition.—

(Signed)—Abingdon, Courtenay, Craven, King, Fortescue, Spencer, Ferrers, Manchester, Rockingham, Bristol, Scarborough, Radnor, Wycombe, Bolton, Harcourt, Grafton, Fitzwilliam, Richmond, Stamford, Effingham, Portland, Camden, Egremont, Pembroke, De Ferars."

"Dissentient"

"Because having made the motion alluded to in the above dissent, I think it incumbent upon me to let posterity know the particular grounds I made that motion upon.

"1. Because, since the year 1771, there has been 6,917,827*l.* 5*s.* 0*d.* granted for naval purposes, more than was granted in an equal number of years, between 1751 and 1759, for the use of the navy, although we had been four years at war with France within that period.

"2. Because the navy of England appears to be reduced from what it was in the year 1771, when the present first lord of the Admiralty succeeded to the head of that board, notwithstanding the immense sums granted for its support and increase since that time.

"3. Because it appears, after having received such repeated intelligence as hath been acknowledged to have been received from the 3d of January, 1778, to the 27th of April following, of the equipment and progress of the Toulon squadron, to their sailing on the 13th of April, 1778; the not sending a squadron into the Mediterranean, to watch the motions of, and endeavour to intercept the said French squadron from passing the Streights, nor sending any reinforcement to vice-admiral lord Howe, or even dispatching vice-admiral Byron till the 9th of June, 1778, was exposing the fleet, as well as army of England then employed in America, to a very superior force of France.

"4. Because it appears the sending of admiral Keppel off Brest, the 13th of June, with twenty sail of the line, when the lords commissioners of the Admiralty knew, or ought to have known, that the French fleet then actually at Brest, and fitting for sea, consisted of thirty-two ships of the line, besides many heavy frigates, might have been productive at that time of the most fatal consequences to the only considerable naval force this kingdom had then ready for its protection, but also to the trade, and even the ports of these kingdoms. And if admiral Keppel had remained with his twenty ships of the line off Brest, he must with those twenty ships have engaged the French fleet of thirty sail of the line, who sailed on the 8th of July, as admiral Keppel could not get the reinforcement even of four ships of the line to join him till the 9th of July, although he was then at St. Helen's for that purpose.

"5. Because it appears we lost the valuable island of Dominica for want of timely reinforcement, and proper instructions being sent to admiral Barrington.

"6. Because for want of the smallest naval force being sent to the coast of

Africa, we have also lost the valuable station of Senegal, which might in time, with proper attention, have opened new markets for our drooping manufactures.

"7. Because it appears that the Admiralty, without any deliberation whatsoever, having so precipitately ordered a court-martial upon a commander in chief of great rank and character, which admiral Keppel bears in his Majesty's fleet, was frustrating the salutary intentions of that discretionary power, lodged by the constitution in the lords commissioners for executing the office of lord high admiral of Great Britain, whereby all malicious and ill-founded charges (by whomsoever exhibited) may be avoided, and the union and discipline of the service not interrupted.

BRISTOL."

Debates respecting the Admission of Strangers into the House of Lords.]

March 4. The Duke of Manchester rose, and said, that as the House was pretty full, and there was no particular business before their lordships, he would take the opportunity of mentioning a matter which he wished much to have their lordships' opinion upon. The House of Commons, his grace observed, were on every occasion exceedingly civil to the members of that House, accommodating them, whenever they chose to hear their debates, with the best seats in their House. He thought therefore it was incumbent on their lordships to shew the gentlemen of the Commons some civility in return; what struck him as proper, was, that they might be admitted between the throne and the woolsack, as had been customary in former times; and that the learned lord on the woolsack might not be inconvenienced, he was of opinion that the easiest method of accommodating the Commons, and of preventing their pressing too forward, would be to erect a bar across that part of the House.—Several lords called out, "Move for a bar."

Lord Weymouth rose, and after declaring that no lord was more desirous than he was, that the gentlemen of the other House should be accommodated as conveniently as possible, said, the question the noble duke had adverted to, was one, which, for many reasons, he thought should not be agitated. He reminded the noble duke, that the standing order of the House was directly against the admission of any strangers, but that by connivance, and what he considered as a very

proper connivance, strangers were daily admitted. With regard to that part of the House between the throne and the woolsack, it was well known that peers' sons, peers' brothers, and in fact every person any way related to a peer had admission. He saw therefore no necessity for the noble duke's making a motion, the essence and meaning of which was at present complied with. He further said, that he well remembered the time when crowds of strangers were permitted to stand near the throne; and it was then found extremely disagreeable; that the House proved most suffocatingly hot, and every peer that day was heartily glad to get rid of a matter so very inconvenient. The viscount concluded with declaring, that if the question were put upon it, most certainly, he should, for the reasons he had assigned (although he wished to wink at the admission of strangers) hold himself bound to give it a negative.

The Duke of Manchester replied, that the motion might be acceded to without being attended with any possible inconvenience. Among other proofs of the necessity of it, he instanced the having once asked leave for his own brother to be admitted to hear the debates, and to stand near the throne, but he could not obtain the favour. He said, he had mentioned this to several lords at the time. Whenever their lordships chose to form the House into a secret committee, they had it in their power to lock their doors, and proceed to deliberate in private; in any point of view he did not see that his motion could be followed by disagreeable consequences; he added, that it was surely no ill recommendation of it to their lordships that it was founded on grounds of warrantable and necessary politeness. His grace read his motion, and delivered it to the Lord Chancellor, "To put up a bar between the throne and the woolsack."

The Earl of Derby declared, that the motion met with his hearty concurrence; that the gentlemen of the other House were remarkably civil to any peer who chose to visit them, and that the House in return, by their late conduct respecting the discharge of the order for the erection of a gallery, had treated the other House with great rudeness and incivility.

The Lord Chancellor said, it was impossible for him to put the question upon a motion directly in the teeth of the standing order of the House. That strangers might by connivance, be permitted to

hear the debates, but that as long as he continued Speaker of the House, it was his duty to stand up as often as a motion directly repugnant to a standing order was offered, and to inform their lordships, that it ought not to be put. The present motion, even were it not so circumstanced, would be attended with very great inconvenience if it were carried. The noble duke, and every lord who had spoken relative to the motion, had rested their arguments altogether on a wish to shew some particular civility to the gentlemen of the other House, in return for the civility they had experienced at the other House: if the case really rested on that point, it was an extremely easy thing to meet the noble duke's wishes without acceding to the present motion. Let orders be given to the door-keepers strictly to observe that no person came in below the bar but members of parliament. Under that restriction the gentlemen of the Commons would be much better accommodated below the bar than if they were crowded between the throne and a rail. It would also be a much handsomer compliment, and a greater mark of distinction to separate them from people of different descriptions, and to leave them the whole space below the bar. If the House thought proper to adopt this mode, he would answer for the door-keepers doing their duty, and for the regulation being strictly complied with; but he begged the noble duke to consider, that urging his motion would be urging a matter contrary to the standing order.

The Duke of *Manchester* said, though he had the highest opinion of the learned lord's knowledge of law, and the practice of the courts of justice, he could not very easily give up his acquaintance with the parliamentary forms and orders of that House, in which he had sat for many years, to any man living. His motion did not militate in any shape against the standing order on the Journals. Let the noble and learned lord attend to the words of his motion; it was merely to order that a bar be erected between the throne and the woolsack; it left it entirely to the discretion of their lordships what use to make of the bar.

Lord *Townshend* wished that the gentlemen of the House of Commons only were admitted.

The Duke of *Manchester* withdrew his motion.

March 9. The Duke of *Manchester* rose, and said he would not have again presumed to have troubled the House, on the subject which he had so lately rendered the topic of their debates, had he not so altered his intended motion, and so carefully framed it, that he did not imagine any noble lord would now object to it. It was well known that the gentlemen of the other House of Parliament treated every one of their lordships with great respect, whenever they chose to hear their debates; it was therefore incumbent upon that House, to shew some mark of civility and respect in return. For this reason he wished that the motion which he meant to offer might meet with general approbation. He had taken particular care to word it in such a manner, that it should not militate against any one standing order of the House; no objection, therefore, could be urged against it on that head. As, however, if he read it without saying a word or two in explanation of its tendency, it might receive the epithet of trifling from those lords who might disapprove of it, he would just open his meaning respecting it. He had seen several of the plans for altering the House and erecting a gallery, which sir W. Chambers had prepared, in consequence of the order of last year, and though he did not entirely approve of what he had seen, they served sufficiently to convince him, that a gallery for the accommodation of 100 persons might be erected in such a manner, as neither to heat the House in warm weather, render it more cool in frosty weather, nor be an inconvenience to their lordships in any shape whatever. Though, for the sake of guarding against offering their lordships a disorderly motion he had so expressed it, that it went only to a general and perfectly harmless proposition, he made no scruple to avow that his wish to enlarge the House was not solely confined to the idea of accommodating the gentlemen of the House of Commons. He thought there were a great many persons of a different description who ought to be admitted. Many young gentlemen who might materially benefit from listening to the debates. Many others who, though not at present in parliament, might have views of obtaining a seat in the other House, or a chance of arriving at a seat in that; and a great number of others. His grace dwelt on the propriety of admitting strangers in general, of the necessity of paying the

Commons a particular compliment, and of the power which would still remain with their lordships of clearing the House whenever they thought the admission of strangers improper, or whenever, from the turn of the times, it was found advisable to shut their doors, and debate in secret. At length he moved, "That a committee be appointed to consider of means to make the House more commodious on such days as the doors were open."

The *Lord Chancellor* left the woolsack, and said, that since it was avowed that the purport and intention of the motion was to go against the standing order of the House, though the motion in its expression was not in the least disorderly, he had much rather that the avowal had been stated in the motion than admitted. He was exceedingly willing to say, that in his private opinion, he saw no objection to the admission of the gentlemen of the House of Commons by connivance, but as their better accommodation was the only avowed ground of the present motion, he saw no necessity whatever of building a gallery or altering the House.

The *Earl of Derby* supported the duke of Manchester, declaring he felt an interest in his motion, and although he had the utmost respect for every thing which came from the learned lord on the woolsack, he could not agree with him on the present occasion. He wished most heartily to return the civility of the Commons, and did not see that it could be better done, than by agreeing to the motion. But greatly as he desired to pay the Commons particular respect, he by no means wished to exclude all other strangers from hearing the debates; on the contrary, he thought the whole public had a right to hear every thing that passed in that House, and that they ought to be admitted, as far as was consistent with the convenience of their lordships, and as long as they preserved that decency of behaviour due to the House. There was scarcely a day that something materially interesting to every man in the country did not pass within those walls.

The *Earl of Effingham* took the same side, and observed that there were days on which their lordships could not, if they would, exclude strangers indiscriminately; a point which ought to weigh somewhat in favour of the motion, for that when the members of the other House chose to come in to hear the causes and trials at their lordships' bar, the bar was so crowded

with the counsel, the attorneys, the agents the witnesses, &c. that there was not sufficient room for them to stand. He therefore pressed the motion, and said that the gallery might be appropriated to the reception of gentlemen of the House of Commons, and no other use, excepting only on days when the King came to the House, on which he wished that ladies might be admitted into it.

Lord Townshend declared he had no objection to returning the civility shewn to that House by the other, and wished the motion had been confined to that single idea.

The Duke of *Manchester* said the ground of objection had shifted greatly since last Thursday. It had then been the argument against his motion, that the purpose of it was introduced in it; it was now the argument of objection that it was not introduced in it. His grace mentioned the degree of candour and civility due from one peer to another, and which had formerly always so far prevailed in that House, that when any one lord offered a motion, not in itself pregnant with inconvenience, or contrary to the orders of the House, the motion was uniformly acceded to. The custom in modern times, he was sorry to say, was different. Politeness and good manners had fallen at the shrine of obstinacy and rudeness. In order to disprove this assertion, he hoped noble lords would have the candour to suffer a motion to pass, which was so harmless, and void of inconvenience as the present. Let the House recollect that it determined nothing, it referred the matter to a committee, in whom was vested entirely the power of deciding whether the House should be enlarged, or a gallery be built or not. His grace observed that of late it was a constant practice to throw the orders of the House in the teeth of every motion that was offered to their consideration. He begged leave to remind those who were so fond of the practice, that there were orders on the Journals so formed, that if they were complied with, it would be morally impossible to go through half the business that each day occurred. Any one lord had a right to call for those orders to be read. Among others, there was one that all Bills be read aloud, word by word, and sentence by sentence. Any one lord might object to every single sentence, and create a debate upon it.

The House divided: Contents 22; Non-contents 42.

Proceedings in the Lords on the Duke of Richmond's Motions relating to an Enquiry into the Management of Greenwich Hospital.] March 11. The Papers relating to Greenwich Hospital, which had been moved for by the Duke of Richmond, were presented. After which,

The Duke of Richmond rose. His grace observed, that the legislature wisely foresaw that nothing would operate more effectually towards manning our navy than to hold out to the seaman, that after he had fought the battles of his country, he would be sure of a comfortable retreat for life, when age, wounds, or infirmities, no longer permitted him to follow his profession. This consideration operated as an encouragement to enter into the service, it inspired him with alacrity and confidence while in; it created resolution to brave the greatest dangers, and bear the utmost fatigues. If he should fall, he would fall gloriously in defence of his country, or in maintaining its interest, fame, and reputation; if maimed, otherwise wounded, or rendered weak and infirm by long and severe service, he looked to Greenwich as his asylum, as his home and final retreat. There he looked for ease, quiet, and rest from his labours; there he looked for a decent, comfortable competence; thither he went to enjoy ease and tranquillity. Scarcely a seaman in the British navy but often in the course of his life passed that noble building, the sight of which suggested the pleasing ideas and comfortable prospects now enumerated. Such ideas formed one great spur to exertions of bravery; they promoted fidelity, obedience, and good discipline. In short, they answered all the great ends which the first founders had in contemplation. He acknowledged that the very magnificent appearance of the building, one of the finest in Europe, was not without its allurements and effect; but he doubted much, whether that circumstance was not more than balanced by the unnecessary expence caused by keeping the building in repair, the salaries to officers, &c. and while he was upon this part of the subject, he thought proper to mention, that the number of pensioners in the House were at present about 2,200, and the out-pensioners upwards of 500; that by the accounts laid before the governors it appeared that those maintained in the hospital stood the nation in 22*l.* 10*s.* per annum each, upon an average; while those

out of the hospital cost the nation only 5*l.* in some instances 7*l.* per annum. Here, then, taking the highest computation, it was clear that the benefits of the foundation might be extended in the proportion of three to one; that in many respects, particularly when the superannuated seaman had a wife and family, he would be much better off, and more contented with a pension, and that indeed, in every instance almost, it would be more satisfactory to him, to return to his parish, and live in his place of nativity among his friends, relations, and connections. This consideration was only transiently thrown out; he observed, that it did not immediately mix with the matters which formed the particular business of the present day, though it was nearly connected with that general reformation, which the present enquiry was ultimately expected to produce.

His grace observed, that from the disposition of mankind; the temptations which power of every species held out; the negligence of those whose duty it was to attend to the trusts delegated; and the means of fraud and corruption which were necessarily put into the hands of ingenious and unprincipled persons, it was well known and universally acknowledged, that the revenues established or created for the stated support of charitable foundations, were in a greater or less degree always abused. Apply this observation to the revenues appropriated for the support of Greenwich-hospital, and he ventured to affirm, that the observation would prove to be true. He did not wish to be understood, to make a direct application to the proofs which might come out in the course of the enquiry to the extent they were stated in the complaint before the House; but generally that such was the consequence of all charitable foundations supported by stated revenues. The reason was plain, those whose duty it is to see that the ends of the foundation are properly carried into execution, are ignorant or inattentive. If they know their duty, they are negligent and do not attend to it; if they do not know, they cannot perform the trust reposed in them. He confessed, that he stood in the latter predicament; for he did not know that he was a governor, till captain Baillie addressed him in that capacity, and accompanied his letter with a pamphlet, stating the various abuses which had gradually crept into the administration of the affairs of Greenwich-hospital. Upon enquiry he found, besides the members of the naval

and official boards, that the great officers of state, all privy counsellors, and several other persons were governors or directors: indeed, he believed, there was hardly a single lord present who was not of the number, nor a single lord not in office present who knew any thing of the matter. [Duke of Chandos desired not to be included in the number.] A single exception proved more strongly what he said. The noble duke was, he presumed, very attentive to his duty: he had no right to doubt any thing which the noble duke thought proper to assert. He could adduce an unquestionable proof, founded in experience, that charities supported by settled revenues were subject to abuse and malversation, which was, that individuals and the public were always complaining of them, while those maintained by voluntary contribution were free from those objections. In the former, the ends of the charity were defeated, and the revenue appropriated to the disposal of the officers and particular persons entrusted by the constitution of the charity, whereas, those noble and extensive charities, the most noble and numerous in the world, which were supported by voluntary contributions in this great city, were conducted with ability and integrity, upon this clear operative ground, that those who have an interest in rendering them permanent, know, that if any frauds or abuses should be discovered, they would immediately, the support being withheld, fall to the ground.

His grace said, that the present net revenue of the hospital amounted to between 70 and 80,000*l.* per annum. The rental of the Derwentwater estate was about 30,000*l.*, the net receipt at the treasury of the hospital, 24,000*l.* The 6*d.* per man per month, for every seaman serving aboard the royal navy, produced sometimes more, sometimes less, according to the number of seamen voted and mustered; in times of peace, the number was comparatively small, in war time very great; at present it was about 26,000*l.* The sixpences paid by persons in the merchants' service, about 12,000*l.*; the interest of 245,000*l.* 3 per cent. consols 7,320*l.* His grace stated two or three other smaller sums, and made the whole, including the grants from parliament, to amount to upwards of 70,000*l.* per annum in time of war, and about 60,000*l.* in time of peace. This, he said, was a noble revenue; and if faithfully applied was fully equal to answer every purpose it was intended to effect.

His grace observed, on the terms of the royal charter, the deviations from it in the new commission, issued of late years, and the apparent intention of these deviations. Those deviations, he said, bore a direct relation to the late transactions, and seem to authorise, in some measure, the various abuses complained of by captain Baillie, being manifestly calculated to vest the whole power in the Admiralty-board. The first instance which appeared was, that the charter expressly provided that none but seafaring men, or persons bred to the sea, should hold any place or office in the hospital; that is, should be officers; and by a subsequent provision, it is provided likewise, that none but officers shall be of the council. The conclusion was therefore self-evident, that none but seamen should be of the council. Here then was one of the capital grievances complained of by capt. Baillie, that the officers of the hospital were not seamen, or sea-faring men; and, of course, that the very council, who decided on his complaints and conduct as lieutenant governor, were not competent either to sit, hear, or determine on his conduct and complaints. The very prime grievance, he had to complain of, as lieutenant governor, was, that landmen were introduced into offices, contrary to the spirit and letter of the charter; the personal injustice done himself, was, that the very men he complained of were constituted his judges: he did not say, that the new commission was so worded, as to justify so flagrant an innovation and abuse; but he begged leave to remind their lordships, that what was clear, direct, and explicit in the charter, appeared ambiguous and indefinite in the new commission. His grace pointed out several other alterations from the old charter, expressly framed for the purpose of vesting unknown and extraordinary powers in the Admiralty, or rather the first lord, by which the regulatory power of the general court was abridged, and that of the first lord of the Admiralty considerably strengthened and increased.

His grace then proceeded to say that he knew nothing of Mr. Baillie, but in the manner already stated, nor of the facts, but as they might present themselves to every one of their lordships' judgments, as well as his. If true, they well deserved the attention and interposition of that House; if false, capt. Baillie must abide the consequences. They contained very heavy charges indeed, and it behoved the

accuser to support them with a suitable degree of proof. He, for his part, neither pledged himself to that House or the public, for their truth or falshood. As a person, whose particular duty as a governor, and general obligations as a peer of the realm, he received the complaints, and presented them to that House. They might, for all he could undertake to say to the contrary, have proceeded from malice, pique, or disappointment. He assured their lordships, that he did not prejudge either way. He had heard nothing on the part of the noble earl, who was particularly pointed at by this enquiry, nor of the other parties accused; he therefore expected, and wished to be considered in the situation of every noble lord present, that was waiting to hear the written and parole evidence adduced on both sides, and proceeded to give a final opinion, agreeable to his judgment and conscience.

Their lordships would, when formed into a committee, be in possession of every fact, which came within his knowledge; for the papers, from which he had drawn his chief information, were upon the table; but as it would be presumptuous in him, to lead the House into an enquiry, which must from the nature of it demand so much of their lordships' time and attention, without stating, at least, some of the grounds which induced him, he would, with their permission, just give the outline, or more striking parts, of the grounds of complaint, on which he founded his claim, for standing foremost in the present business.

The first he should mention, was, that of introducing landmen, contrary to the charter, into offices in the hospital. This was stated as the great cause of abuse and dissention: abuse, as persons of that description found a separate interest in creating and perpetuating the mischiefs so much complained of; dissention, because it created two parties in the hospital, who were, from their interests as well as sentiments, at perpetual enmity with each other.

He read a list of 22 officers, who, according to the charter, had no right to occupy any place whatever in the hospital, five of whom were of the council, and were of course, on the ground mentioned before by him, excluded from the council. This innovation had given birth to the distinction of landmen and seamen, and proved the source of endless altercation and ill-will, in the course of which, the interests

of the hospital, and the ease and comfort of the pensioners, were daily sacrificed.

His grace mentioned the case of a contractor (Mellish) who had been convicted in several penalties, for selling bull and bull-stag beef at the price of good fat ox-beef. This man had been detected in other frauds, such as giving short weight, and even stealing the meat he had himself supplied. Capt. Baillie brought this fellow to justice, and 25 penalties were recovered. Capt. Baillie again complained, and convicted him upon his breach of contract, for furnishing bull-beef, and, upon the offence, recovered only 100*l.* the directors having compromised the affair, and let the fellow off: though, if the affair had not been thus made up, there would have been upwards of 100 penalties of 10*l.* each, recovered. But if any thing could be more extraordinary, this man had the contract renewed with him, and is still the actual contractor who serves the hospital.

It is true, he heard that Mellish had offered the lowest terms, and that the directors were obliged to accept of them. The apology was absurd, and carried falsehood upon the very face of it. The directors of Greenwich-hospital could not be serious when they set up this defence. It was well known, that the navy board never gave a contract a second time to any man who had failed in the performance of the preceding one; much less to one who had been convicted, and openly and legally convicted of a fraud, in a court of justice. He had heard, and believed, that a learned and noble lord, now present in his place (Mansfield) before whom the cause was tried, and the first penalty of 100*l.* recovered, expressed himself in terms of the warmest indignation; and wished that the defrauder might undergo the most exemplary punishment the nature of the cause would permit.

His grace, previous to his opening on the head of frauds, read a second time the list of landmen who were officers. The surveyor, steward, secretary, chaplain, second chaplain, cook, under cook, scullion, under scullion, butler, under butler, &c. and their several assistants. He remarked, that the spirit of excluding any person, bearing the least relation to the sea, was such, that the woman who washed for the hospital, for which there was a charge of 1,400*l.* a year, the head matron, and matrons of the several wards, were all the wives or widows of landmen; while the highest marks of favour, the seaman's wife or widow received,

was that of nursing any of the pensioners who happened to be ill. Another striking alteration from the old charter was, that though it originally provided, that all the revenues, &c. of the hospital should be applied solely to the maintenance of seamen and seafaring persons, a clause was introduced into the new commission, for empowering the corporation to dispose of all the estates, revenues, incomes, &c. belonging to the hospital.

The next grievance his grace stated was, the mode adopted of giving money in lieu of provisions. There were two lists, called the chalk-off and butler's list. All those upon the chalk list had money, in lieu of their allowance, twice a week; all those in the butler's list, every day in the week. What was the consequence? Great numbers, almost all the pensioners, were in either, by which means the officers, baker, cook, &c. gave them a trifle, and enabled them to get drunk. This was the source of endless confusion and disorder; the pensioners thus intoxicated, were liable to set the hospital on fire, were turbulent, and in such a state, it might be well presumed, were insolent and ungovernable. It proved, however, a great source of profit to the officers and civil men, and was equally disagreeable to the naval officers, who were daily witnesses to this injustice, and the mischiefs which it occasioned. This was one of the first abuses capt. Baillie endeavoured to put a stop to, and such an interference, which went to the cutting off the illicit profits arising from those lists, was fully sufficient to create in them, towards him, the most rooted enmity and implacable resentments.

The bread was another subject of complaint, and the beer was so bad at one time, that no less than 4,000 gallons of it were obliged to be staved as unfit for use, and yet no notice was taken of it, nor censure incurred by the brewer.

His grace stated likewise the abuse of turning out the seamen from several wards, to make room, or rather to enlarge the apartments of the civil officers, by which the other wards were crowded, and in one instance, the shutting up the stair-case, leading to the naval officers' apartments.

He mentioned several instances of the hospital revenue having been wasted in alterations and unnecessary repairs, particularly in expending 1,000*l.* in the cleaning and refreshing the painting in the hall, though the job was not worth more than half the money.

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His grace finally proceeded to make an application of those several charges, so far as they might be thought to affect the Admiralty-board, the Court of Directors, &c. He said, captain Baillie, after several fruitless attempts to rectify the abuses himself, had stated them in a pamphlet, accompanied with a letter to lord Sandwich; that getting no satisfactory answer, he wrote a second time, and begged that a full meeting of all the governors, directors, &c. might be called, by previous notice in the London Gazette, to enquire into the truth of the facts contained in his publication. A court was called, in the usual manner, without any notice given in the Gazette; and when, at that meeting, he objected to it, on the ground that none but particular persons had notice, and them by special summons, the first lord of the Admiralty, who was present, replied, that it was in his power solely to give orders for the attendance of whom he pleased; that at the court, thus constituted, the captain's complaints were referred to a committee, composed of the very persons mostly against whom his charges were made;—he attended, however, at that committee; but what was the consequence? He stood there as a culprit, to answer charges, but was not permitted to go into his proofs: nay, more, he was not permitted to go into his defence. Mr. Cust, the chairman, refused to hear him, either as an accuser, or as the person accused. It was true, he told him that he should be heard; but Mr. Cust not attending afterwards, his promise was not performed. Mr. Barker, who succeeded Mr. Cust in the chair, even refused to promise; so that the event was exactly as might be expected: he was condemned unheard by the party accused; and, on the report being received by the general court, the court agreed to the terms of the report, by consenting to his suspension, and recommending to the first lord of the Admiralty to remove him from his post in the hospital.

What was the noble lord's conduct, after continuing him under suspension for some months? He at length dismissed him from his post, the just reward of upwards of 40 years service. Here the first injury was completed; for, as he had been condemned in the first instance without an hearing, so he was dismissed contrary to law; for he had not even the favour of a mock trial. He confessed it was competent to lord Sandwich to dismiss him for

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misconduct or misbehaviour—Had his lordship any proof of either? None that he could finally proceed upon. Captain Baillie had a conditional freehold in his office, and until the person authorised to dismiss him had proper proof that he had forfeited the office, by a breach of the condition on which he held it, that of a faithful performance, it was incompetent to his lordship either to remove or dismiss him.

The mentioning the period which took place between his suspension and final dismissal, brought fully to his recollection a very strong part of the captain's case, that was a negotiation, carried on by verbal messages, which passed between him and the noble earl. During this interim, a proposition came from his lordship, that if capt. Baillie would consent to stop all further proceedings, and take no notice in point of the report, he would procure an equivalent of 600*l.* per annum, which was equal to the profits of his deputy governorship. This proposal capt. Baillie, in the spirit of a gentleman, an officer, and an honest man, rejected, though, if his soul was not superior to his circumstances, it was a strong temptation, considering he had a wife and several children to maintain. The motive assigned for this offer, he understood, was to prevent the affair coming before parliament.

His grace then moved "That the House do form itself into a Committee to take into consideration the several Papers relative to the Management of Greenwich Hospital." Before he sat down, he remarked, if the fact relative to the supposed negotiation was true, that either the noble lord at the head of the Admiralty looked upon capt. Baillie as an injured man, or had acted extremely wrong, in proposing to give him an equivalent, when he looked upon him as deserving dismissal, for his misbehaviour, misconduct, and inability to discharge the functions of his office.

The Earl of *Sandwich* said, he should not adhere to method or arrangement in replying to the several parts of the noble duke's speech, for he should answer the last part of it first. As to the negotiation, which the noble duke stated, he affirmed, upon his honour, that it was false. The motives ascribed to him were from their nature improbable. In the first place, there was nothing he more desired, than that capt. Baillie should give a public answer to the report: and as to the

other motive, that of keeping the affair from parliament, his answer was that parliament were already in possession of it, and that it was out of the power of capt. Baillie to prevent it. He further assured their lordships that he sent no message to capt. Baillie; for the truth was, that he had received one from him. Mr. Murphy was the person who delivered him the message; he believed he could justify him; he looked upon him to be a gentleman, and was sure, when examined, he would tell the truth.

The House resolved itself into a Committee, lord Scarsdale in the chair.

The Duke of *Richmond* then opened the manner in which he proposed to proceed, and to arrange and select the evidence, which was bringing witnesses at once to every distinct head, and not examining any witness to what he might know of several different heads. Should the other mode be adopted, that of examining every witness relative to every thing he knew at once, it would afterwards be impossible to arrange or select the evidence without an infinity of trouble and confusion.

The Earl of *Sandwich* opposed this mode of proceeding strenuously. He said it would be a very great hardship to have all the witnesses attend the enquiry from beginning to end, which must be the case, should the noble duke's proposition be attended to.

The duke of *Richmond's* motion was agreed to.

The Committee then commenced their labours on the following day, and continued their sittings, with little interruption, until the month of June. Numerous witnesses were examined on both sides. The whole of the evidence would be too voluminous for insertion; but the substance of it will be found accurately detailed in the speeches of the duke of *Richmond* and of the earl of *Sandwich*, on the 14th of May and the 7th of June.

May 14. The evidence in support of the Enquiry being closed, this day, as soon as the House went into the Committee,

The Earl of *Sandwich** rose, and spoke as follows:

* From the original Edition printed for T. Cadell.

My lords, after the solemnity with which this Enquiry into the Management of Greenwich hospital has been brought into this House, and the great expectation of the public from so long and so minute an examination of it by some of the ablest men in this kingdom, if it should appear that the charges brought against myself, and the several persons mentioned in the printed memorial now on your lordships' table, are false and groundless, I flatter myself, that your lordships will think, that both I and the other persons in question, are entitled to the countenance and protection of this House: that they will be (I believe I may venture to say that they are) proved to be so, I have not the least doubt—very little argument or proof, except what has come out from the witnesses on the other side, is necessary for this purpose.

It seems, however, incumbent on me to take up a little of your lordships' time, to open to you the mode in which I mean to answer the several charges against me, and to explain how far I think myself obliged to enter into this discussion. I must therefore premise to your lordships, that I shall only undertake to answer such charges as have been urged against me personally, either as a commissioner and governor of the hospital, or as first lord of the Admiralty.

Had I not considered the enquiry as an attack upon myself, I should not have given way to it as a member of this House, as it is a business which, in my opinion, is very improper to take up almost a whole session in this great and hereditary council of the nation. I will not enter into any discussion whether the noble lords who brought the business before the House meant to bring a charge against me; it is sufficient for me to say, that the book upon your lordships' table contains charges of a very grievous nature against me; no less than refusals to redress complaints; denials of justice; partialities against those whom I thought adverse to my purposes. It is said, that my personal views and interests, connections and prejudices, are the leading motives which govern the hospital. That I was the first who conceived, or at least ventured to put fully in practice, the opinion that the offices of Greenwich hospital might with impunity be converted into emoluments for an election. That to enable me to return members to parliament for a single borough, Greenwich hospital

has been converted into an engine of corruption, and a den of borough jobbers. That the government of the hospital has undergone a total perversion. That the noble design of the establishment has been perverted, and that I only consider Greenwich hospital as an appendage to my private fortune.

I shall not, however, enter into any defence, except upon those articles of accusation which have been attempted to be supported by evidence; having a right to consider the other charges as abandoned by the adverse parties. I will therefore select those points, which upon these principles it seems advisable for me to speak to. I will consider how they have been supported, and endeavour to draw to your lordships' recollection the evidence which has been given; and this, I flatter myself, will be deemed fully sufficient to refute them.

I cannot suppose that it will be expected that I should enter into the discussion of any legal points; if there are any such questions of law, relative to the management of Greenwich hospital, I profess myself incompetent to decide upon them; and if it were otherwise, this is not the time or place to discuss them.

Let me ask, whether any matter has been offered to your lordships which could not be enquired into in its proper court? Has any right been withheld from any person who had not a proper legal remedy in the usual course of judicature? If any individual was improperly treated in the ordinary business and affairs of the hospital, had he not the council and direction of the hospital to resort to? If he still thought himself aggrieved by the decision of the council and direction, much less pains than those which brought the business here, might have carried it into the courts below. If captain Baillie was injured by the proceedings of the committee, is there not a proper mode of subjecting there proceedings to the opinion of the King's-bench? If captain Baillie has been unjustly removed from his office, cannot the court of King's-bench restore him? In short, has any thing been brought before your lordships? was it probable, was it possible, that any thing could be brought before your lordships, in the course of this business, which might not have been enquired into in Greenwich hospital or Westminster-hall?

As to myself, I am conscious I have done my duty to the best of my judgment,

and according to precedent; when I have received complaints, I have listened to them from whatever quarter they came, and given such redress as I thought myself authorized to afford. I have suspended and removed officers who, I thought, had misbehaved; and I defy the blackest malice to suggest, that I have ever lowered my dignity, by shewing the least degree of partiality in any such exertion of the power with which I thought myself invested.

Here, my lords, ends every thing which I think necessary to say by way of introduction to what I consider as my own defence, in answer to what has been thrown out against me.

As to any abuses in the management of this charity, in which I cannot be personally concerned (and which appear to me to be infinitely less than can be supposed to exist in the management of any other charity, equally extensive) if the House thinks that we are warranted to sit as a commission for charitable uses, or a court of chancery, they will act as they judge proper upon that occasion; and, indeed, since we have gone so far as to hear evidence upon many supposed abuses against several persons, who, I am persuaded, are perfectly innocent (though it is impossible for me to state their case as a matter proper for parliamentary enquiry) I am inclined to believe that your lordships' humanity will lead you to give up some more of your time, in order to allow them an opportunity of bringing evidence in their own exculpation. In this business I am as ready to give my assistance, as any other lord of this House; but I desire that I may not be considered as a principal in the management of it, or as a party concerned. Before I conclude, I hope there will be no impropriety in my mentioning to your lordships a few instances, in which I have shewn myself a true friend to Greenwich-hospital. I doubt not other first lords of the Admiralty have had the same inclination to befriend that noble charity, as I have always entertained; but few of them have had so much power of doing it, from the much longer time I have sat at the board, than I believe any other person ever did, and from my having had no military avocations to employ my time in the service of my country.

I can say, with the strictest truth, that if I have merit in any part of my conduct,

it is my constant attention to the welfare and improvement of this noble charity: it has been my favourite and unrivalled object; and I have never, for a moment, lost sight of what could any way be turned to its advantage. Your lordships will observe, that I have been in the Admiralty, at different times, above seventeen years, which has given me the means of doing much more than any of my predecessors in office. When first I came into the office, in the year 1744, there were only 1,000 pensioners in the hospital; they have been increasing gradually, till they are now got to 2,169; 800 of whom have been added during the time of my being at the board of Admiralty; and I must observe to your lordships, that so much has the revenue of the hospital increased, by the care and attention that have been paid to the management of it, that all this has been done without burthening the public, and without demanding from them the assistance of a single shilling. Indeed, for these three last years, 4,000*l.* has been given by parliament, but that was not wanted to defray the expence of the original augmented establishment of pensioners; it is to give aid to an additional charity of out-pensioners, which was established at the end of the last war, to which the public at first gave 10,000*l.* for some years nothing, as it was then defrayed out of the annual revenue of the hospital, and as that diminished in time of peace, when fewer seamen are voted, it was necessary to apply to parliament for 4,000*l.* for the sole purpose of paying the out-pensioners.

The exact state of this question will appear from the following Account, which will shew, that for the maintenance of the out-pensioners, from the year 1763 to 1778, the hospital has expended near 6,000*l.*

Money Granted by Parliament.

First establishment				£.
in 1763	-	-	-	10,000
1764	-	-	-	10,000
1765	-	-	-	5,000
1766	1771	}		Nothing.
1767	1772			
1768	1773			
1769	1774			
1770				
1775	-	-	-	6,000
1776	-	-	-	5,000
1777	-	-	-	4,000

1778	-	-	-	4,000
				44,000
Expence of maintenance	-			108,455
Paid out of the hospital revenue				£59,455

Which it could not have done, had not the income been greatly improved.

As a proof, that under my administration, the estates of the hospital have not been much mismanaged, I have the satisfaction to inform your lordships, that the Derwentwater estate, which in 1745 (when I just came to the board) produced 6,900*l.* now produces 11,988*l.* and in a few years will be raised 3,000*l.* more, there having been tenders already actually made to the amount of upwards of that sum more than the former rents, upon leases for 21 years. This is exclusive of the lead mines, which *communibus annis*, produce a clear 8,000*l.* a year.

In order for the better improvement, and for obtaining a more certain knowledge of the real value of this estate, two of the directors were employed about five or six years ago to visit the several estates, and to make their report of any improvements that might be made. This measure had the most salutary effects; the two directors did their duty like able and honest men; and I have no doubt, but that in consequence of their investigations, the income of the estate will be in a few years considerably augmented; probably to many thousands a year. One great improvement has been the erecting a large smelting mill and refinery, which have answered beyond imagination, and considerably improved the income. Before the erecting of that mill, we were obliged to carry our ore to be manufactured, and were at the mercy of the manufacturers.

Captain Baillie, and the witnesses he has brought to the bar, have been continually throwing out, that he was the true and unvaried friend to the pensioners, insinuating thereby, that he was their only friend, and that they are neglected by others, whose duty it equally is to be attentive to their interests.

I have not made any parade of what I have done for them; but I believe I may venture to say, now I am called upon, that they never had so true, so constant, and so effectual a friend as myself. When I first came into office, there was no particu-

lar place allotted to the sick; they were mixed in the hospital with those in health; and though particular wards were allotted to them, they not only took up the room of healthy people, but could not be so well attended, and so private, as the nature of their infirmities required, and as an additional hospital, erected purposely for them, allows; besides this, the great danger of infection in communicative disorders is now greatly lessened, and the frequency of burials entirely removed from the eyes of those who are most likely to be hurt by such a sight, and who ought to be led through the remainder of their life with as few displeasing objects as their situation will admit of.

This infirmary (which is allowed to be one of the completest hospitals in the kingdom) was established under my direction; and I may almost claim the honour of being the sole founder of it.

To prevent abuses in the admission of improper objects into the hospital, I have always attended the quarterly examination of the candidates for admission; I have myself examined into their pretensions, from age, infirmities, and time of service, and have classed them, for preference in admission, singly, according to those pretensions; and I have rigidly adhered to a fixed rule I have made, never to attend to any application, or to receive any petition about the admission of a pensioner. There are lords that hear me, some of my best and most respected friends, who know the truth of what I say, by the refusal I have made to attend to their solicitations on this subject; and I have in my hand a letter from a very respectable peer (lord Petre) of this realm, which I shall read as part of my speech, which will shew the language I have held, when these sort of applications have reached me.

“ Park-lane, Feb. 25, 1779.

“ My lord; it makes me very happy to have it in my power to be of any service to your lordship, and should it be necessary, I shall be ready to obey your commands. It is with the greatest truth I can assure the House, that your lordship, with infinite politeness, refused admitting a person into Greenwich hospital in whose favour I interested myself, and gave as the only reason, that your lordship had made it an established rule, never to prefer any one on recommendation to the prejudice of many deserving objects that had no friends to solicit for them. I am, my lord, &c.
PETRE.”

Another point in which I have much befriended the pensioners, was the establishing a new dining-hall, which was done under my absolute and sole direction, and from my own discovery how it might be executed. The mode of dining the pensioners, till within these last four or five years, was in one hall, in which tables were laid for 600 men, and there were 600 more waiting at the door to succeed them: when the first set had hurried over their dinner, the second came in upon the filth of the others, and into the nauseous smell of a room in which so large a number of guests had been feeding. Wishing to remedy this nuisance, for such I must call it, I made it my business to search and enquire whether any place could be found to receive the second set of hungry pensioners, and to relieve them from the situation in which Tantalus is placed by the poets, as having provisions at his chin, without the possibility of his getting at them. In consequence of this investigation, I found that there was another hall that was in a manner useless, being employed only as a sort of lumber room, or storehouse for the stewards, and other stores. This room I ordered to be converted into a dining-hall, and a new kitchen to be fitted up to supply tables for 600 more men; which number have dined comfortably together, at the same time that 600 of their brethren were at table elsewhere. I will mention but one more improvement made by me, and that is having constantly set my face against the allowing the inferior offices to be performed by deputy. This conduct does not savour of the character of a borough-jobber, and one that made Greenwich hospital an appendage to his own private fortune. My lords, till my time, most of the inferior offices, such as those of the cooks, their mates, scullery-men, &c. were done by deputy, which certainly afforded the opportunity of giving stipends of 20 or 30*l.* a year to the voters or servants of the first lord of the Admiralty. This I absolutely abolished; and there is but one of these officers who acts by deputy, and him I have suffered to remain, because he was put in by one of my predecessors, who I would not wish to offend. I acted very differently with regard to a man of my own, whose name is Joy, and who was a Huntingdonshire freeholder. I made him a scullery-man, and finding that he did not attend to his business, and had got another person to do it for him, I turned

him out of his place, nor did his Huntingdonshire merit avail him, or prevent his being sacrificed as an example to other delinquents.

It has been given out, and was generally believed, that instead of admitting decayed seamen as pensioners, I had filled the hospital with Huntingdonshire voters and landmen. I now most solemnly declare, that out of 2,169 pensioners at present in the hospital, there is not, to my knowledge, a single Huntingdonshire man, nor one who is not thoroughly qualified from length of service at sea, and infirmities, acquired in the performance of his duty as a seaman.

I do not say this to gain applause: I know I have done nothing more than what my own heart leads me to think every man will do who feels for the sufferings of his fellow creatures; I should therefore flatter myself, there is no impropriety in my pointing out these circumstances, and intimating, that even if any malversations laid to my charge had been proved, there were some parts of my conduct which should have lessened the indignation of mankind against me: but, thank God, no such malversations have been proved, and I flatter myself, that when this enquiry is ended, my reputation will not suffer by the long and serious examination of my conduct.

The Charges that have been attempted to be proved are,

1. That the charter was formed by the immediate care and abilities of Mr. Ibbetson, under the inspection of lord Sandwich.

2. That several landmen are appointed to hold offices in Greenwich hospital.

3. That clerks and under officers are allowed to lodge in the hospital.

4. That I have turned a deaf ear to complaints.

5. That I appointed the committee unfairly and improperly.

6. That I directed Mr. Butler to negotiate with Mr. Murphy, and that the negotiation began on my side.

7. That Mr. Cooke was employed by me to intimidate Mr. Le Fevre, and others.

I shall take them one by one, according to the order in which I have named them, and endeavour to bring to your lordships' recollection how they have been supported.

The first charge that was made against me relates to the alteration of the charter, and the new book of instructions; it has

been said that whatever respectable forms they may have gone through, they were in fact prepared under my inspection, and by the immediate care and abilities of the secretary to the directors—That there are a variety of omissions and additions in the new charter, all of which have an uniform tendency to lessen the number and force of the several checks at first established, and reduce the whole to an absolute dependence on the Admiralty.

Evidence to this point in my own behalf I shall bring none: I am perfectly satisfied that your lordships' opinion of me on these particulars, should rest upon the evidence brought by my accusers. I appeal to the recollection of your lordships, and to the evidence on the table, whether there is the slightest proof of connection between me and any of the persons employed in framing the new charter.

The first evidence who was called on this subject was Mr. Everist, the solicitor of the hospital; he has disclaimed having the least connection with me, having ever heard me speak to him, or having ever received from me the smallest direction about the charter: his share in preparing the charter seems to have been exceedingly small. He prepared the first draft of it, this he submitted to Mr. Sibthorpe, who was at that time joint solicitor to the hospital with him; from this time he seems to have taken no further part in the business. As to my interference, or the interference of Mr. Ibbetson, the secretary of the hospital, his declarations were uniform and distinct, that neither of us were concerned in drawing the charter, or suggesting any of the alterations in it.

Mr. Eden's very able and satisfactory explanation of this whole matter comes next; he informed your lordships of all the transactions relative to the new charter in every stage of its progression, and by his evidence, your lordships are now perfectly apprized that the charter was prepared in the manner it should be prepared; that the draft of it was drawn by Mr. Everist, the solicitor of the hospital, afterwards corrected by Mr. Sibthorpe, his partner, and much his senior in business, that it was then laid before Mr. Eden, the auditor, and one of the council of the hospital. That some alterations in it were suggested by him; that these alterations were afterwards inserted by Mr. Sibthorpe, that the draft so prepared and amended was laid before Mr. Eden, and his Majesty's law officers, his attorney,

and solicitor general, and by them finally perused and approved for his Majesty to sign.

The declarations of Mr. Eden agreed with those of Mr. Everist, he disclaimed the least connection with Mr. Ibbetson in this particular business, and disavowed the interference of myself or any other of his Majesty's ministers.

The next evidence your lordships called for was Mr. Sibthorpe; his evidence perfectly coincided with that of Mr. Eden, he denied that Mr. Ibbetson had ever communicated with him on this business. He denied that I had ever spoken to him on the subject.

Captain Baillie declared in evidence, that the draft of the charter had not been read at the general court before it was finally approved; it appears from the books of the general court that it was read on the 10th of March, 1774, and afterwards, when it was perfected at another general court, on the 16th of Dec. 1775; it had also been read at the board of directors in the intermediate time, in the presence of captain Baillie, who was chairman of the meeting.

Mr. Ibbetson was called upon frequently in the course of this business; and, I believe, every one of your lordships is sensible of the readiness, the candour, and the accuracy, with which he stated, and the perspicuity with which he explained every part of the transactions he was desired to elucidate. He gave your lordships his oath that he had not the slightest connection with any person concerned in drawing the charter, and that he had not once spoken with me on the subject; and yet captain Baillie in his outset informed your lordships, that Mr. Ibbetson was the person who drew up the charter.

Thus were the accusations against me, respecting the charter, contradicted by the united testimony of every witness summoned to your lordships' bar.

The next accusation respects the merit of the alterations in the charter; as the slightest reason has not hitherto appeared to charge these alterations against me, or upon my particular influence with those who were concerned in preparing it, I should be justified in waving all enquiry on this head, but I owe it to the public, to your lordships, and to the respectable inhabitants of Greenwich hospital, to inform you, that there is not in any of these alterations the slightest circumstance at which the friend of the seamen should

take alarm. In no one instance are his interests prejudiced, in many promoted.

The only instance which bears even an appearance of lessening the seaman's prerogatives, is, that the right of recommendation to offices, which by the commission was vested in the court of commissioners, is omitted in the charter, and the power of appointing them vested solely in the Admiralty.

This fact was fully explained by Mr. Eden, and usage, as well as common sense, shews that it was never intended that the general court should fix upon the persons who were to hold offices in the hospital; when the increase of the establishment of the hospital, which has gradually risen from 40, to near 2,200 pensioners, required an additional establishment of officers, they were to give notice to the Admiralty that such additional officers were wanting, and to recommend it to that board to appoint them; sometimes they proposed certain persons, out of which the Admiralty might or might not appoint the officers; there is one instance of their naming six persons to be chosen out of; can there be a stronger proof that the absolute and final appointment was in the Admiralty? This custom, however, of proposing persons by the general court has been long laid aside, nor do I find any instance of its having been executed since 1772; I will go farther, and say, that the execution of it is utterly impracticable. Three or four general courts in a year are as many as are necessary for carrying on the business of the hospital. I think the charter directs that two shall be held, I believe the commission names four as necessary; how then are vacancies to be filled up? Is a general court to be called every time that a scullery-man dies, or that a cook's-mate is turned out of his office for drunkenness? My lords, if they were to sit every week they could hardly do the business.

A very recent instance proves, how this point of recommending officers by the general court has been understood and executed; when the new kitchen was established, a great number of new officers were to be appointed; this the general court signified to the Admiralty, and recommended to them to appoint the officers, which they accordingly did; and indeed, what could be more inconsistent, than that the persons who sign the appointment, should have no concern in chusing the persons by themselves appointed?

The next alteration complained of is, that the court of commissioners are directed by the charter to meet twice a year, though they are required by the commission to meet four times a year. I beg your lordships will for a moment consider of whom the court of commissioners is composed; experience shewed that it was inconsistent with the pursuits and occupations of those gentlemen, inconsistent with the business of the nation, which moves in its various departments through their hands, and absolutely incompatible with the laborious and incessant duties of the Admiralty, to meet as often as the commission prescribed. It appears by the books on your lordships' table, that frequently nine months have elapsed without the court of commissioners once meeting. To these deviations from the original intention of the institution, the charter opposes the properest remedy, by enlarging the intervening time between the meetings of the commissioners. By the alteration, their duty as commissioners becomes more consistent and compatible with their other pursuits and occupations; a regular attendance at the court being thus facilitated, what was before possible to none, being now made possible to many; it is not unreasonable to hope that the court of commissioners will meet regularly, and have the most respectable attendance.

The next circumstance of alteration which engaged your lordships' attention is, that the clause in the charter provides, "that all such persons to be so recommended and admitted into the said hospital, as the officers of the house or otherwise, should be seafaring men."

But in the charter, the words "or otherwise," are omitted; I must wait till I am informed, what possible sense can be given to the words "or otherwise," before I can speak my sentiments on their omission. At present, I have this opinion of their value, that I entirely agree with the gentleman who told your lordships at the bar, that if I had found them in the draft laid before me, I should not have struck them out; if I had not found them there, I should not have put them in.

The next alteration which was charged upon the persons who fabricated the new charter was, that there were words inserted in it, which gave the Admiralty power to displace, move, or suspend any officer of the hospital who should be guilty of misbehaviour. I beg leave to submit to your lordships, that by the com-

mon law of the land, it is an incident inseparable from every corporation, to have the power of making bye laws and private statutes for its good government and regulation, and to punish all the officers employed in it, who are guilty of misbehaviour, by suspension or removal, from their respective offices.

The charter is therefore only a declaration of the common law of the land; the words here attempted to be criminated, give not any new, extraordinary, or unreasonable powers; yet, they are not without their use. They are a standing memento to every officer in Greenwich-hospital, to remind him that the charter by which he holds his office, will punish him for the slightest misbehaviour in it.

I now come, my lords, to the last point of accusation against the framers of the new charter.

It is objected as a crime of the greatest enormity, that a power is given by the new charter to sell, exchange, and alienate all the estates of the hospital. This was urged against me as a crime of the blackest dye; as a device to rob the hospital of its property; here, my lords, upon this subject, I cannot help expressing my surprise and astonishment, that your lordships should not only have paid attention to such a charge, but that two days of your lordships' time should, in this important and very busy session, be lost in an attempt to establish an accusation of so brittle a substance, that it fell in pieces the moment it came to be handled.

The fact, my lords, is, that notwithstanding these words in the charter, the commissioners and governors of Greenwich hospital are as little able to sell the property of the hospital now, as they were before the passing of the charter.

Before the charter was obtained, if any person had purchased lands of the hospital, it was incumbent upon him to see that the money he paid for his purchase of the hospital lands was laid out in the purchase of other lands of equal value. Having done this, my lords, he was so far secure, that if his transaction with the hospital were in any subsequent time avoided, he had the lands purchased with the money he paid to the hospital, or their value in money returned to him.

Such was the situation of matters in this respect, before the obtaining the charter, and such was the situation of a purchaser, and such it continues to be since the charter has been obtained.

But, my lords, if the purchaser, either before or since the obtaining the charter, does not take care that the money he pays is laid out in the purchase of other lands, and that those lands are duly settled according to the trusts of the charter; the bargain, as far as the hospital is concerned, is absolutely, and to all intents and purposes null and void.

In some cases, the hospital will have its remedy against the trustees. Chancery will decree them to purchase lands with their own money; and these lands will be conveyed to the hospital upon the same trusts as they held the other. In other cases, the remedy will be against the purchasers. In these cases, chancery will decree the purchaser to hold the lands as a trustee, and for the benefit of the hospital; or to convey them immediately to the hospital, to be held by them upon the trusts of the charter.

At all events, the property of the hospital is incapable of suffering; such is the situation of the property of the hospital under the charter; and such it was under the commission.

Your lordships may ask, what is then the use of the words in the charter, if they make no innovation in this respect? I will attempt to explain it to your lordships.

Before the charter was obtained, the purchaser from the hospital, whatever care he might take about the application of the money, had no security that his purchase would be permanent; because it was in the option of any of the successors in the government of the hospital to avoid the purchase. However, if his purchase were avoided, the lands bought with the money paid by him, or an equivalent to it in value would be restored to him. But by virtue of the present clause in the charter, if he takes care to see that the purchase-money is properly applied, his purchase is completely good, and cannot be avoided in any respect.

With this necessity of seeing to the application of the purchase-money, your lordships are, I believe, well acquainted; it is mentioned in all your marriage settlements; you will probably find occasion to insert it in most of your wills.

In order to facilitate the sale of that part of your property which is settled upon your families, in the ordinary course of strict limitation, when such a sale or exchange is intended to be allowed, it is always expressly declared, that the purchaser of the lands shall not be bound to

see the application of the purchase-money. For it has been found by frequent experience, to be so exceedingly difficult and so dangerous to the purchasers, to have this obligation upon them, that unless they are free from it, the power of selling and exchanging will have very little effect.

Now, my lords, in the charter of the hospital there is nothing which frees the purchaser from this obligation; as far, therefore, as the safety of the hospital is concerned, the charter has made no alteration.

Was it not therefore with reason, that I was surprized that this charge against me was ushered in with so much pomp; was forced for two-whole days on your lordships' attention; and after all the care with which it was tortured into something like a crime, proved so totally void of all substance and support.

Having mentioned to your lordships, how far the evidence on your table has exculpated me from interfering in the obtaining the new charter; and how far the charter itself vindicates the gentlemen concerned in framing it, from making in it any improper deviations from the commission, one thing yet remains unanswered.

Mr. Baillie tells your lordships, that "When the charter was first produced at the general court, in order to be received and read, I said, that I thought the reading of it unnecessary, as it was a copy of the old commissions, except some alterations in point of form." My answer to this is very short; Mr. Baillie did not bring a single evidence to support his assertion. The evidence you heard have told you I said no such thing; the minutes of the court mention, that the charter was read.

But to conclude upon this point; the most extraordinary thing is, that if the whole charter had been framed without taking a single syllable from the commission, there would have been no criminality in doing so; the commission points it out as a duty upon the commissioners to procure a charter, but there is not a single word, that intimates that the commission is to be converted into a charter; the very direction to draw up a charter under the inspection of the law officers of the crown, proves, that those who framed the commission knew it was imperfect, and that when a charter was obtained, it ought to be extended beyond the limits of the commission.

Second Point.—The next charge is, "the appointment of landmen to several of the offices in the hospital," which officers are directed both by the commission and charter to be taken out of seamen or seafaring men, or such as have been disabled in the sea service.

If by this is meant, that no one shall hold an office but a disabled seaman, I will venture to say, that the charter directs what is impossible to be done, and what was never attempted or thought of from the first institution of the hospital. My lords, several of the officers cannot be filled by disabled seamen: for example,

The Surveyor.—He must be an eminent architect.

The Clerk of the Works.—A person of the same sort.

The Auditor.—An eminent lawyer.

The Organist.—A musician, not a seaman without an arm.

The Brewer.—A person skilled in that branch of business.

I do not know whether I ought to name the receiver of the Derwentwater estate, because he is not appointed by the Admiralty, but I have heard it hinted, as if he ought to be a disabled seaman; but I can never think that a qualification requisite for such an employment; nor did I ever hear that any of your lordships, when you wanted a steward to manage your estates, ever thought of searching for a proper person among the pensioners of Greenwich hospital.

My lords, I say, the offices abovementioned cannot be filled with disabled seamen, and yet, if the interpretation attempted to be given to the charter is admitted, the appointing a landman to any of them is an illegal act; therefore, my lords, the way that I understand this direction is, that all the objects of the charity shall be disabled seamen, but that it never was meant, that the managers of the charity should be so; it may sound ridiculous, but it seems to me, that to argue otherwise, is exactly the same thing, as if a person were to contend, that because Bedlam is an hospital for lunatics, the managers of it must also be composed of madmen.

Besides, my lords, the very words and spirit of the charter and commissions of the hospital seem to shew, that a mixture of landmen and seamen should be employed in the administration and offices of the hospital; as on the list both of commissioners, governors, and directors of the

hospital on its first establishment (that is to say, in the first commission) landmen and seamen are promiscuously mentioned; it being wisely intended and foreseen, that though the persons supported by the charity should be those whose merits and toil in the sea service intitled them to it, yet that the administration of the hospital could not exist or go on, without the interference and assistance of the abilities, skill, and activity, of some professional and skilful landmen.

If then some of the civil officers must be landmen, and that it is no illegal act to appoint them to these particular offices, and no deviation from the charter, I have a right to contend, that the charter does not bind the Admiralty to make the civil officers out of disabled seamen; it has always been understood and executed in this manner, and it is proved by the papers upon your table, that my predecessors have appointed more landmen, in proportion to the number of the appointments, than I have done.

I appeal to the paper on your lordships' table, which contains a list of all the appointments of officers civil and military, since the first institution of the hospital in the year 1704, by which it will appear how that matter was understood at first, for it is very particular, that not one of the persons first appointed to the civil offices was a seaman, and though great stress has been laid upon the appointment of the present chaplains, who have neither of them been to sea.

It is very remarkable that the first chaplain that ever was appointed, namely, Mr. Stubbs, was never at sea; his son has been at your bar, and proved it to be so, in addition to the proof in the list on your table. Dr. Campbell, who was appointed by the duke of Bedford, had been at sea only a few months, and then left his ship, and was run upon the ship's books as a deserter: I have here in my hand a proof of this fact, namely, a copy of an order from the Admiralty to take off his R. without which he could not receive his pay.

Were these two disabled seamen?—And was it ever urged as an accusation against prince George of Denmark and the duke of Bedford, that they had made chaplains contrary to the direction of the charter?

It therefore plainly appears that precedent is on my side for the appointment of landmen to the civil offices of the hospital, and that I am not (as captain Baillie would

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fain make your lordships believe) the first perpetrator of this enormous crime; if it be a crime, which I shall never allow it to be, I insist upon it that I am less guilty than any one of my predecessors; I appeal again to the list of the appointments, from the original institution of the hospital, as an irresistible proof of this assertion.

As a farther illustration of this matter, I will have recourse to the account of the officers now in being, and see whether the first lords of the Admiralty who have appointed them, have been more attentive than me to the words of the charter, or whether they have not put the same interpretation upon the words that I have done. There are now 29 civil officers, 14 of which have been appointed by me; of these fourteen, eleven are not seafaring men, namely, The auditor, two chaplains, steward, organist, brewer, butler's mate, cook, cook's mate, scullery man, his mate. Of the remaining 15, which have been put in by other lords, ten have never been at sea, namely, The secretary, dispenser, surveyor, porter, two matrons, butler's mate, cook, cook's mate, scullery man's mate.

Your lordships will observe that of the 11 landmen appointed by me, three are of those sort of offices that cannot be filled by seamen, namely, the auditor, organist, and brewer; and out of the 10 landmen named by my predecessors, there is only one, the surveyor, who might not have been a seaman; for I consider the two women under the same predicament, as they might have been the widows of seamen. What then does all this mighty charge amount to?—Why, that in consequence of a constant series of precedents from the original existence of the hospital, I have appointed eight landmen to civil offices; while there is a majority of civil officers in being who are landmen, and who have been appointed by the other first lords of the Admiralty. Had a single landman ever been admitted as an object of the charity, that is to say, as a pensioner or a military officer, I shall acknowledge it would have been a notorious and scandalous abuse, but I defy the most rigid enquirer to prove, that any one person under that description has ever been admitted under my administration of the office of the first lord of the Admiralty.

Third Point.—The next charge is, “the allowing the clerks and under officers to lodge in the hospital,” but this is much blended with, and, in a manner, answered

by what I have said on the former article; I will therefore only add, that as the number of the pensioners has been increasing gradually, from 40 to near 2,280, a proportionable increase has been necessary in clerks and other officers to carry on business; these people must be subsisted, and by being in the hospital they are more at hand, and save the expence of house rent, which must be paid for them if they lodged in the town; were there a pensioner less in the hospital upon their account it would be an abuse, but it has been proved to your lordships that the number of pensioners has not been limited by the want of room to lodge them, but by the deficiency of the revenue there was to maintain them.

Fourth Point.—The next charge is, “that I have turned a deaf ear to complaints, and have refused to redress the grievances of the hospital.” How is this attempted to be proved? Why, by captain Baillie’s single testimony at your lordships’ bar, which testimony is in direct contradiction to his own publication; for there it appears, that when there was a complaint against Mr. Ibbetson, for having obtained an order from the directors to remove some of the cabins of the pensioners, in order to extend his apartments, I immediately took upon me to supersede the order, directed the cabins to be reinstated, and shewed my disapprobation of the conduct of Mr. Ibbetson and the directors, by every means I had in my hands; for I not only insisted that the cabins should be put into their original state, but called a general court, where I notified to them, that I thought the directors had exceeded their power, and that I should expect for the future, they would not make any alteration in the hospital, without the sanction of a general court.

What other grievances have been brought before me, and neglected by me, I am at a loss to say: this, however, I know, that all business concerning the hospital, that has come to my hands, I have regularly laid before the general court: I did so by captain Baillie’s complaint, though it is a libel upon myself, and upon almost every officer of the hospital.

And here I must beg leave to observe, upon captain Baillie’s art and contrivance to prove that I have not redressed grievances; he tells your lordships that I was so beset by his enemies that the channels of information were choked up; so that in order to censure me for not redressing

what he thought to be abuses, he is obliged to own that the knowledge of them never reached me. But what right has captain Baillie to suppose that the channels were choked up, and, that complaints could not reach me? There is nothing but his own bare assertion for the fact, and I flatter myself that your lordships will allow that my assertion to the contrary deserves at least as much credit as his; besides, the proceedings upon your table shew the falsehood of his assertions, as they prove that the complaint against Mr. Ibbetson, and his own libel against me, did come to my hands, and that I gave immediate redress in one case, and, in the other, ordered a most accurate and strict enquiry to be made into the facts, before I thought myself justified to form an opinion.

I cannot conclude this subject, without saying a word or two to prevent your lordships from thinking unfavourably of Mr. Ibbetson, on account of the removal of the cabins, as that matter has been magnified by captain Baillie (for there his art consists; he always makes a mountain of a mole hill, and endeavours to lead the world to believe, that he is the only reformer, and that no one has the interest of the pensioners at heart but himself) I say, as this affair has been magnified by him, I am persuaded that some of your lordships will think that this was a mere tyrannical act of Mr. Ibbetson’s, and that it was done to make his apartments more elegant and spacious, and that the men were turned out of doors to shift for themselves. The real fact is, that from the great increase of business, by the additional number of officers and pensioners, the business of the secretary has been so greatly augmented, that he had not room for his papers, or for his clerks to do their business, and he was the more streightened, as the place that had been used by his predecessors for their clerks and papers, had been taken away and converted into apartments for a lieutenant. By laying this case before the directors, they thought proper to accommodate him, by removing eight or nine cabins, and putting the pensioners into as convenient habitations in another part of the hospital.

Fifth Point.—The next charge is, “the appointment of the committee;” for as to the partiality or impartiality of their proceedings, I shall not enter into a minute discussion of that matter, not being personally concerned in it. With regard to the mode of appointment, I aver that the

utmost attention was paid by me to its being so composed as to be likely to do the strictest justice between all parties. I wished to have no share in the nomination, lest it should be suspected that I meant to influence their judgment; nay, so far did I carry this delicacy, that I desired captain Baillie himself to name the whole committee, and it was not till his refusal to do so, that I thought of proposing any gentleman for one of the committee; those I did propose to the general court are all of them men of fortune and reputation, and particularly such as had no immediate connection with the naval department; and, before they were approved by the court, captain Baillie was desired to object to any, or to all of them, and to name other persons to be appointed in their room. Has this the appearance of partiality on my side; and does my conduct, in this particular, deserve to be treated as violent, arbitrary, and oppressive?

But captain Baillie says, the committee ought not to be chosen out of the directors, because they are accused in his book, and therefore are parties concerned: how do I know but that he accused them purposely, to have a pretence to disqualify them from being his judges?

But, pray allow me to ask your lordships, who could the committee be chosen out of, but the directors, whose professed business it is to superintend the management of the hospital, and to enquire into and redress the grievances that are ever complained of? Who would have concerned themselves in it, if they had not?—I am certain there exist no persons, but the directors, who would, or could, have undertaken the task; therefore captain Baillie's objecting to them was, in other words, objecting to the enquiry, which he knew, when it was gone into, would shew that his accusations were mostly nugatory, false, and insidious.

As to their enquiring into the charges against themselves, it was never intended they should do so; and your lordships have heard, from the evidence of Mr. Cust, and sir William James, that they saw it themselves in that light, and examined only into those charges in which there was no accusation against the directors.

Upon the whole, concerning the appointment of this committee, I must appeal to your lordships, whether it does appear to you that I exerted, or had it in my power to exert, any undue influence

over these gentlemen; and whether it was possible for me to pursue any method more likely than this, to examine fully into, and afterwards redress, the grievances, if any real grievances there were, of which captain Baillie had complained. Had I joined in with this idea, and been of opinion that the directors were improper examiners, the enquiry would have been quashed, which I firmly believe was captain Baillie's wish, though it was far from being mine. I then should have deserved the imputation of shutting my ears to complaints, and discouraging enquiries: as it is, I flatter myself your lordships will acquit me of that imputation. My lords, I fear it will be impossible for me to make any reparation to your lordships for the trouble I have given you in this long discussion; I shall, however, have some claim to forgiveness, when I inform you that I do not mean to trouble you with a single witness in support of the defence I have made upon any of these points, resting my cause entirely upon the evidence already given.

Sixth Point.—There are two other points remaining, on which, I believe, I must bring a few witnesses. It stands in evidence, that "expressions of intimidation have been made use of, as from me to Mr. Le Fevre and others." Though no one pretends that he ever heard me use any such expressions, it will be necessary for me to ask Mr. Cooke, whether he had any authority from me to use any menacing expressions towards those who sided with captain Baillie; and whether he ever heard any such expressions come out of my mouth to him, or to any one else?

Seventh Point.—The other remaining point is "the negotiation with Mr. Murphy and Mr. Butler:" the facts relative to this business have been so well explained at your bar, that I shall make only one observation upon the evidence already given your lordships, by begging you to recollect, that it is to be proved that captain Baillie authorised his two counsel, Mr. Bearcroft and Murphy, to negotiate with me, which they, or one of them, did long ago, through Mr. Garrick, Dr. Shepherd, and Mr. Brown: and though Mr. Murphy and Mr. Butler agree invariably in saying that the motion came from Murphy to Butler, and not from Butler to Murphy, captain Baillie has thought proper to endeavour to prove that I was the first mover in it, though it has been proved, as clear as the sun at noon-day, that he knew the contrary fact to be true.

Here I must trouble your lordships to call Mr. Murphy and Mr. Butler again to your bar, not so much because I want any farther evidence from them with regard to my own conduct, as that they may have an opportunity of justifying themselves from the misrepresentations that have been made by captain Baillie, in that harangue that he was allowed (in my opinion very irregularly) to make to your lordships towards the conclusion of the business on Friday last. I shall also call Dr. Shepherd and Mr. Brown, to prove that they were employed to negotiate with me long before Mr. Butler knew anything of this business. Having mentioned captain Baillie's harangue, which I suppose is to be considered as evidence, having been given in upon oath at your lordships' bar, I must say a single word upon an expression or two in that harangue, in which my name has been introduced. Captain Baillie endeavours to prove that he is not of a violent and ungovernable temper, by two circumstances, namely, that he has formerly received letters from me, approving his conduct in the hospital, and that there are particular strong words in his warrant, which says, that they who appoint him place a trust in his care, prudence, and vigilance. As to my letters, let them speak for themselves; when I thought captain Baillie was in the right, I told him so; but is it impossible to form a good opinion, and to alter it afterwards? and am I, or any man, pinned down by a letter written some years ago, to applaud the actions of a man as long as he lives, let him behave in ever so extravagant a manner? The truth is, I have altered my opinion of captain Baillie, and find him, by experience, to be a man of a very unhappy temper, which makes it impossible for him, even when he means what is right, to avoid bringing confusion and anarchy into whatever he undertakes. As to the words in the warrant, surely he must be driven very close, to catch at such a straw: why, my lords, those words are nothing but mere common form, and are, I conclude, inserted in every warrant, to every one of his predecessors; it is just the same thing as if I were to say that I was of the royal family, because, in the patent by which I hold my office, his Majesty styles me his dearly-beloved cousin. Captain Baillie, at his conclusion, says, I have attacked his professional character; I deny the fact; I know nothing of him as an officer, good or bad: but, though I

have not attacked his character, he seems to forget how much he has attacked mine, and that it would not have been a very extraordinary thing for me to have retaliated. It is, however, full time for me to finish; I shall proceed therefore to call my witnesses.

Lord Fortescue moved, "That the paper now read by the noble earl, as his speech, be laid upon the table." After a short debate, this motion was over-ruled. After which, the noble earl commenced the examination of his witnesses.

June 7. The Evidence on both sides being closed, the House again went into the Committee. When,

The Duke of *Richmond* rose and spoke as follows*:

My lords; as I was the person who moved your lordships to undertake the Enquiry into the Management of Greenwich hospital, it will, I imagine, be expected, that I should submit to the House some plan to be pursued in consequence of the information that has been laid on your table, and of the evidence given by the witnesses who have been examined at your lordships' bar.

This enquiry has lasted so long, and has of necessity been so frequently interrupted, that I fear it becomes indispensable for me to recall to your lordships' memory the grounds on which I first ventured to engage your attention to this business. I fear it will be likewise necessary for me to observe on many parts of the evidence now before the House, and to select from the very voluminous and various matters which have come out, such parts as apply to those objects which strike me as deserving the attention and interposition of parliament.

Your lordships have with great patience attended this examination for above two months; and although I hope our labours are now drawing towards a conclusion, yet I fear I must to-day rely on your lordships' indulgence, for taking up somewhat more of your time in this, not the least important part of the business. It therefore gives me peculiar concern to delay for a moment the weighty consideration of what may be necessary to be done for this great and useful charity, by any matter relative to myself. But as great and in-

* From the original Edition, printed for J. Almon.

cessant pains have been taken both here and without doors, to misrepresent not only my intentions, but even my words, and to give to the whole of this business a colour of pique and resentment, I trust your lordships will, not only in justice to me, but in justice to the cause I have undertaken, suffer me to shew, that there is no real foundation for such charges; and that they are mere tricks to divert the attention of the public from the sober and dispassionate consideration, which I wish to be given to the welfare and happiness of those, whose time of life admits of the fewest satisfactions, but whose merits deserve all that we are capable of affording them; I mean those British seamen who are worn out in the service of their country.

I am well aware of the disadvantages under which every man must labour, who engages in measures that can in any degree affect a minister. It is no matter whether it be to protect the injured pensioners of Greenwich, or to consider the state of the nation, on the eve of entering into a most unequal war. If the investigation can possibly affect a man in office, it must be defeated. Let the seamen continue to be ill fed, ill clad, ill used; let the nation be without a navy, without commanders; let a whole fleet of victuallers be sent into an enemy's port.—All these had better be left unredressed or unenquired into, rather than one minister should be convicted of a job, and of a total incapacity for his office; or another of having forgot in his slumbers that he had ordered the evacuation of the place to which he sent the only subsistence of his army.

To prejudice the public against the enquiry into the management of Greenwich hospital, it was necessary to misrepresent the view with which it was undertaken.

To investigate the abuses of a public charity from public motives alone, was readily deemed impossible! To feel for an old seaman who is no longer of use, ridiculous!—To employ so much pains and time merely to make 2,000 men live comfortably, and enjoy uninterrupted the benefits the state has allotted to them, was an inconceivable absurdity!—No, it must have a motive more consonant to the notions of those who feel themselves attacked in every attempt at reformation. It originated in malice; it was pursued by chicanery, and would end in disappointment.

Notwithstanding the most explicit de-

clarations which I had made in the opening of this business, that I accused nobody, that I meant only to enquire, not to charge, yet your lordships have seen how often attempts have been made, even in this House, to confound things so totally different. And, indeed, considering the great abilities that have been employed in those repeated attempts, I must rejoice that perseverance and truth have at length been able to make good their ground, against sophistry and art.

It has been argued that the foundation of this enquiry was an attack against the first lord of the Admiralty, that upon no other ground would the House have gone into it. The noble lord himself had said, "that unless he had considered it as such, he should not have given way to it as a member of this House."

My ideas of the motives which should induce parliament to enter on any business, are indeed very different from these. I had conceived that a nation, whose existence depends upon its trade and its navy, a nation which compelled the service of its mariners while they were young, and had made ample provisions for their retreat when old, would think complaints of abuses from a principal officer in the hospital appropriated for their repose, more worthy the attention of the state than the concerns of any individual whatever.

Had the noble lords avowed their sentiments at the beginning of this business, had they fairly declared, how little they thought Greenwich hospital deserved the attention of parliament, and of how much importance it was to the House to clear the first lord of the Admiralty, we should have been at issue, and might have saved the House much trouble; for I trust, I know the principles of justice too well, to wish to try any man without a charge, and by a court of enquiry. I know that in such a proceeding, guilt can too frequently evade the evidence necessary for conviction, and that the want of evidence in such a mode of proceeding, is no proof of innocence. If, therefore, the House had determined to consider this enquiry as a charge against the first lord of the Admiralty, and to try him incidentally in the course of it, I should for one have retired from the business.

No, my lords, whenever I do charge any man, it shall be in a legal and direct manner. I have joined with a noble earl (of Bristol) in charging the first lord of the Admiralty with malversation in his of-

face. I think the fact was proved: if with six millions more money than was voted in like circumstances, at the beginning of the last war, to have a worse fleet, is a malversation in office; and I voted with 37 other peers for his removal.—173 commoners have likewise voted in direct and personal questions against that noble lord; and a time may come (I wish it may not be near at hand) when the bad effects of his mismanagement of the navy may produce a still more serious mode of trial.

But so determined were some of your lordships to set me up as an accuser of the first lord of the Admiralty, in the business of Greenwich hospital, that the expressions I used, when I moved for papers preparatory to the earl of Bristol's motion, viz. "that the ground of that motion was malversation in office," were immediately transferred from the Admiralty to Greenwich. What was said upon the known and proved fact of a ruined navy, was applied to the suspicious, but then unproved mismanagement of a marine hospital. And notwithstanding the very different ground on which I opened this business, and my repeated explanations of it, this round assertion was pushed so far, that if other lords, as well as myself, had not particularly recollected the circumstance, I must have appeared guilty of the most gross contradiction.

My object, my lords, was Greenwich hospital, the welfare and comfort of veteran seamen, to whom this nation owes its former glory. Complaints, infinite in number, and considerable in degree, had been made to all the governors of this charity. As one of them, I had received these complaints. They were not idle reports, but regularly made out by a principal officer of the house, supported by affidavits, and transmitted in a regular official manner.

The nature of many of the complaints was such as the different boards established in the hospital could not rectify; for the complaints were chiefly against the proceedings of those boards. And the supreme and last powers, the general court, and board of Admiralty, instead of affording redress, had illegally deprived the complainant of his office, after having at least countenanced his being barressed with prosecutions in Westminster-hall.

The charter itself, which had been so materially altered from the commission, was the fountain from whence most of the

grievances flowed. The effect of those alterations could not be stopped in its course by any of the boards. The interposition of parliament was necessary to bring back the charity to its original channel.

With a view to learn the truth of these complaints, their nature and extent, I moved your lordships to undertake this enquiry. Capt. Baillie's representation of grievances was fully sufficient to create at least a presumption that they might exist, and the repeated conviction of one of the most flagrant offenders in the courts of law, with the notorious subsequent employment and encouragement of the person so convicted, created something more than a presumption. If the grievances did exist, as they were of a nature that parliament alone could remedy, it was the duty of parliament to afford that remedy; if they did not exist, it was equally necessary that their futility should be made known, that the mistaken pensioner should be disabused, and that the alarmed public should be made easy. Whatever was to be the result, it could not proceed with any degree of satisfaction, but from a parliamentary enquiry. All the departments of the hospital were interested and parties concerned. They were writing libels against each other; for if capt. Baillie's book is called a libel on the officers of the house, I am sure the report of the committee, and an anonymous pamphlet, entitled, "Another State of Facts," were libels against capt. Baillie.

The enquiry therefore appeared to me proper and necessary. If in the course of it, there should come out proof of misconduct in any officer, your lordships might think it a ground for further proceedings in a regular manner against such person. You might direct him to be prosecuted; or you might take such other regular and legal steps as the occasion should require, and the wisdom of the House should suggest. But your lordships would never deem any man, either acquitted or condemned by what might incidentally have come out in an enquiry into another matter, wherein no charge was so urged as to convict, and wherein there was no hearing in defence to obtain an acquittal.

That observations should be made on what has appeared, was unavoidable. It is impossible for mankind not to form some conjectures on transactions, which may be very apparent and yet not sus-

ceptible of that degree of legal proof, which can alone support legal proceedings. Judges themselves, with all the rectitude and impartiality which ought always to accompany their characters, may have inwardly the clearest conviction of what they are not warranted judicially to pronounce. I need not say much to illustrate this point. How notorious is the sale of boroughs! the jobs that are given to secure them! and the undue influence of the crown in parliament! (I mean in former times.) No man doubts these facts, and yet how rare is detection! It might therefore happen, that although there should not appear any direct and legal proof against the true authors of such abuses, yet that the most plain understandings should see through their conduct.

Whatever such conjectures may have been, they have arisen from facts, not from my suggestions; nor has it been at all my object to bring them forth: my aim has been to ascertain the abuse. All consideration of marking or of punishing the delinquent has been lost in the more essential pursuit of the remedy. For although example may be the best method of preventing a repetition of crimes; yet punishment, in my opinion, is only a secondary consideration compared with the immediate redress of grievance. That this has been my main object I trust has fully appeared. I have not once condescended to ask a witness, whether he was a Huntingdonshire voter, or deviated from my single object, which was to ascertain the matters which form the subject of complaint.

It has been said that although I have declared that I did not charge the first lord of the Admiralty in the enquiry, that capt. Baillie's book did; that his book is on the table before the House, and that therefore the noble lord must be acquitted or condemned. But is this the method of proceeding in this House! Do we forget that the business of the committee is enquiry, not trial! Capt. Baillie's book is before us as evidence of charges made, laid before the general court, but unenquired into by them, except in a most partial manner. To convert this evidence of one fact, into a charge of another, into a charge against lord Sandwich, for which he is now on his trial before this House, is perverting every idea of common sense and of justice. Indeed, this strange notion of considering every man on his trial before the committee for what might come

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out in evidence upon another matter, has been attempted to be enforced, and the ridiculous consequences of that attempt have been so glaring, that the committee have desisted from pursuing it.—It was conceived, that a part of capt. Baillie's evidence was an accusation of Mr. Murphy, and it was contended that Mr. Murphy should read his defence, and comment article by article on capt. Baillie's charge. But your lordships' good sense put a stop to this proceeding. It is true that the noble lord at the head of the Admiralty complained of my having induced the committee to stop this strange procedure, which he called a hardship on his witnesses. It is new to me to have to justify myself for leading the House. As I stand here unsupported by the weight of office, or ministerial influence, and have had nothing to trust to, but truth and reason to persuade your lordships, I shall continue to believe that the committee acted properly and remain convinced that enquiry and trial are subjects totally different.

I now come to consider what has appeared in the course of this enquiry. And here I am persuaded your lordships will think with me, that it is not necessary for the House to come to any resolution concerning many of the matters which have been examined into. From the beginning, I wished to avoid giving the House the trouble of entering into too great a detail. Many points urged in capt. Baillie's book, and very proper for him as lieut. governor to attend to, were not of a kind to deserve the attention of this committee. On these, (and they are many) no enquiry has been made. Of those which have been enquired into, many are either actually redressed by his means, or are capable of redress from the ordinary constitution of the hospital. I shall not trouble your lordships to take notice of these in the Report I shall move to your lordships to make to the House; but in justice to capt. Baillie, in justice to a man who has taken laudable pains to point out, and wherever it has been in his power, to correct every sort of abuse, I think it right to mention how far they have been proved. Some of these abuses may perhaps appear of a mean and frivolous nature to those, who will not consider how many things there are, which in the description appear extremely mean and contemptible, from being of the most ordinary and vulgar use, and yet contribute, for that very reason, essentially to the happiness or misery of

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mankind. But I shall be satisfied, though I should afford matter of ridicule to those who have more taste than humanity, provided that by laying open the very meanest of those matters, I may become serviceable to the ease and comfort of the meanest man in the kingdom.

These Abuses are,

1st. Respecting the Danger of Fire.

Capt. Baillie in his book, p. 68, says, "That the taylor's shop exposes the building to accidents by fire, from the carelessness of journeymen taylors, who work by candle-light." Mr. Cowley deposed, that capt. Baillie had requested the committee to enquire into this business, but in vain. Sir John Fielding deposed, indeed, that it did not appear where the late fire had begun; but he proved the practice of 30 journeymen taylors of the lowest class working in the hospital by candle-light, being supplied with gin, and not being under the inspection of military officers.

2dly. In regard to the Sheets.

Capt. Baillie in his book, p. 68, mentions the complaints of the pensioners. Thomas Field has deposed before us, that he had measured 770 sheets in the infirmary, and that he had found, on an average, a deficiency of upwards of half a yard on each pair. Mr. Godby, the steward, has contended, that they are obliged to cut the sheets shorter than the standard length of the hospital, to prevent remnants; asserting that the length of the pieces running from 37 to 40 yards, he cut them into eight sheets or sixteen lengths. That the standard being two yards and a half for each length, they would be exact when the pieces measure 40 yards, but deficient when under that length. Mr. Price, a linen-draper, deposed, that Russia pieces of that sort run on an average to 30 ells, or 37 yards and a half; so that on the average there must be a continual deficiency from the standard. Capt. Baillie in his evidence says, that if these pieces of 37 yards and a half were cut into 15 instead of 16 lengths, the standard of the hospital would be adhered to without leaving any remnants.

3dly. With respect to the Shirts.

Captain Baillie's book, p. 69, states the complaints of the men. Thomas Field deposed, that he had measured the linen in his ward, and upon 160 sheets and 160 shirts, he found a deficiency of 95 yards. Mr. Godby did not pretend to deny the deficiency from the standard, but thought it enough to say that the deficiency was

not embezzled, but a saving to the hospital:—a strange reasoning this! as if the purse of the hospital had any other interest than that of the pensioners, and that savings from the regulated allowances were a benefit to those from whom the savings are made. Mr. Cust, chairman of the committee, which was to examine into the abuses, admits, that "in some instances the shirts were under standard certainly."

4thly. In regard to the Shoes.

Capt. Baillie in his book, p. 69, had taken notice of their being bad, and that the pensioners had complained to the council of them, 27th of June, 1777. Mr. Cust in his evidence, admitted that "some that were produced were found to be very bad."

5thly. In regard to the Women's Clothes.

Mr. Cust admits, May 3rd, p. 46, that "they were not so good as they used to be," and your lordships have had samples produced before you.

6thly. As to the Stockings.

They were complained of by capt. Baillie in his book, p. 69. It appears by Mr. Godby's evidence, that in May, 1777, "he complained to the directors of 6,000 pair of stockings, and conceived that none of them were equal to the pattern;" and it appears by the minutes of the court of directors, that the stockings delivered were so bad, that one third of them was returned to the contractor, and the other two thirds kept, because there was no time to get better, and one shilling per dozen was deducted from those which from necessity were kept. The council on the 18th of July, 1777, "received several complaints (concerning the stockings) found them to be justly founded, and ordered the steward to lay the matter before the board of directors for their information, that the necessary measures might be taken for redressing the men." Nothing was done in consequence of this minute.

7thly. As to Washing.

It was complained of in capt. Baillie's book, p. 68. Mr. Ball, clerk of the council, read the minutes of 16th Jan., 1778, where it appears, "that three nurses complained that the linen of the men under their care was badly washed, and several pensioners produced their shirts, stocks, and towels, &c." "It appearing to the council, that the complaint was just and well founded, and that the washing of the pensioners is equally bad throughout the hospital. The matrons are hereby directed

not to give certificates for any linen that is not really clean and well washed."

8thly. Concerning the Beer.

Complained of by capt. Baillie, in his book, p. 64 and 65. Capt. Baillie deposed, that there had been more complaints of the beer than of any other article. That on Oct. 9th, 1775, 4,000 gallons of beer were started by the council as bad. The council on 21st April, 1777, on a fresh complaint, "are of opinion, that the badness of the beer proceeds from the ready and easy communication of the water with the pipes, which convey the beer from the brewhouse to the sink where the beer is served." Mr. Ibbetson and capt. Chads attempted to lay this fraud of the beer not on the brewer, but on one Luke Davis, who had stolen some beer at one of the sinks; but as there are two sinks, from whence the beer is served at the same time by different people, and at both the beer was found equally bad, it is impossible the fraud of Davis at one of them could be the cause of fraud at the other. This complaint is fully stated in the minutes of the council, May 8th, 1778, "who sent for beer from both ends, and middle of each dining-hall, and were unanimously of opinion, that it is unfit for the pensioners to drink. The council then repaired to the brewhouse, and found two vats of the same brewing not fit to be served to the pensioners." They further resolved, "That the lieut. governor be desired to wait upon the governor with the copy of the minutes, hoping he will take some method with the board of directors for the relief of the pensioners."

9thly. With regard to the Posts and Rails of the Blind Men's Walk.

Capt. Baillie complained in his book, p. 5 of his Memorial, of their being taken down. Mr. Barker, one of the chairmen, deposed, "that certainly the committee did examine whether it was a grievance then subsisting, and it was not then subsisting, but rectified, and in a more safe order than before." Sir William James, a member of the committee, deposed, "that the charge respecting the inconvenience which the blind had laboured under was admitted or allowed to be a grievance, and that was understood by the committee to have been remedied." Captain Allwright deposed, "That the posts and rails round the hospital being taken down, of which the blind men complained, was done before captain Baillie's Case was heard before the committee, and that since that

time, he knew of none put up to this day." This instance is a striking proof of the reality of capt. Baillie's complaints, of the neglect of redress, and of the true spirit which animated that committee on whose report capt. Baillie is dismissed from his employment.

10thly. As to the reverend Mr. Cook's having purchased his situation in the Hospital.

Capt. Baillie complained of it in his book, p. 11. The rev. Mr. Cook acknowledged, that he entered into an agreement, signed and sealed, with Mr. Tindal to give him all the profits of his chaplainship during life, on his resignation in his favour, and accordingly did pay him the profits while he lived. How far this was simony, the right reverend bench of bishops will judge. He further acknowledged, that lord Sandwich was acquainted with his negotiation with Mr. Tindal, but did not know the particulars of their agreement. He also acknowledges having given to Mr. Tindal 50*l.* to resign his place of director, to which he, Mr. Cook, was appointed in his room.

11thly. As to the intimidation that has been used to prevent persons from countenancing capt. Baillie.

Alexander Moore deposed, "That the rev. Mr. Cook, about the 15th of August, 1777, said to him, 'that capt. Baillie was a very troublesome fellow in the hospital, and he himself had taken care that he had lost his best friend, and he might get him as he could,' mentioning lord Sandwich." Lieut. Charles Lefevre deposed, "That he had received from Mr. Cook numberless intimidations from giving support to captain Baillie. He frequently told me, that if I was seen in company with captain Baillie, or had any correspondence with him, an end would be put to my preferment.—That he afterwards said to him, I find you keep company with captain Baillie, and he swore by God there would be an end put to my preferment if I did not desist. That he heard Mr. Cook make use of the like intimidation towards his father, the late lieutenant Lefevre." These menaces, very unjustifiable in any man, are shocking in a clergyman, who ought to be an example of order and decency; who ought to be animated with a peculiar charity towards the poor under his care, and who, instead of intimidating others from an enquiry into abuses, ought to exceed every one else in zeal for their correction.

12thly. In respect to the Painted Hall.

The books shew that 1,000*l.* was given to Mr. Davies for this work, exclusive of scaffolding and various materials, that this was undertaken by private contract, and not advertised. Mr. Bertels, an eminent picture-cleaner, deposed, "That had it been advertised he would have undertaken it for about 400*l.*" John Glass, boatswain, who had the care of the hall, deposed, "That he had kept an account of the cleaning and repairing the paintings at the time the work was carrying on, and that from an account of the time of the workmen, and of their wages (of which the workmen themselves, and Mr. Davis's son had given him an account) the workmanship, exclusive of materials, amounted only to an hundred and seventy odd pounds." Mr. Cipriani, indeed, deposed, "That he thought the work done well and reasonable." Mr. Cipriani compared this job with the cleaning and repairing the painted ceiling at the Banqueting-house, now Whitehall-chapel, for which he thought he had been underpaid. Your lordships will recollect, that Mr. Cipriani is one of the first painters in England, and not one of the cheapest; that painting and cleaning pictures are two very different sorts of work; that little more than care, and some practice, is necessary for the latter; while genius, and great art, to be acquired by long study, are requisite to make a painter. If proper œconomy had been attended to at Whitehall, or at Greenwich, some careful picture-cleaner, at moderate wages, would have been employed to remove the dirt, with which time had covered the paintings at those places, and Mr. Cipriani, or some great master, might have retouched such parts as had received any damage. It is also to be observed, that Mr. Cipriani had never seen the paintings at Greenwich before they were cleaned, except once, about nine years ago, when he did not consider them with any view to examine what work might be necessary to clean and repair them, and cannot now say in what state they then were. He has never seen them, since cleaning, but once, and that from the floor, at a distance of about thirty feet. He has neither heard what their measurement is, nor knows the quantity of work that has been done. From hence your lordships will see how little Mr. Cipriani is capable of judging in this business, nor will your lordships think that any just comparison can be drawn from the repairs

necessary to the works of Rubens, which have stood upwards of 150 years, in the smoke of London, with those of sir James Thornhill, which are in the pure air of Greenwich, and have not existed half so long.

Thus, my lords, has it been proved, by undeniable testimony, on oath, at your lordships' bar, that no less than twelve material Abuses, complained of by captain Baillie, have actually existed in the hospital, to the full extent of his representations. There are many others of less note, which I have omitted.

The abuses of greater consequence, and on which I shall ground the Report, remain to be observed. But before I proceed to state them, I think it necessary to mention one article, which although proved in a certain degree, I am free to admit does not appear to me to be an abuse. It is the lodging the clerks in the hospital, and giving to some of the officers in the house better accommodation than they had before. There is no doubt but some of the wards and passages have been converted to these uses; but it has not appeared, that it has been done in any improper degree, or for any improper purpose. To judge of this matter rightly, one ought to see the alterations; but I only speak from the evidence we have had, and from that, I am ready to allow, that there does not appear to have been any abuse in this article, except, perhaps, some impropriety in the manner by which several pensioners were suddenly dislodged many years ago. But I admit, that with the increase of pensioners, an increase of officers is necessary; and that it is proper, that all officers and clerks, whose duty is in the hospital, should be lodged therein, provided they are sea-faring men. I have no partiality in this business, and am happy, where I find an instance of misconduct not proved, to give the hospital credit for it. Sorry I am, that of all the articles complained of, this is the only instance I can find under that predicament.

I now come to those matters of Abuse, on which I mean to found the Report. They will come under two heads.

1st. The introduction of landmen, contrary to the end and purpose of the institution, and the directions of the charter.

2dly. The misconduct of the several boards.

Under the first of these heads, I shall first take notice, that in the council there are five members, Mr. Eden, the auditor, Mr. Ibbet-

son, the secretary, Mr. Cook, Mr. Maule, chaplains; Mr. Godby, the steward, who are not within the words of the charter, "seafaring men, or such as have lost their limbs, or been otherwise disabled in the sea-service." The charter says, p. 17, that the government of the house shall be performed by the governor, and such a council of the officers of the said hospital as the Admiralty shall from time to time appoint. Now the same charter authorising and empowering the Admiralty to appoint all officers necessary to be employed in and for the said hospital, adds, "provided that all officers to be employed in the said hospital be sea-faring men, or such who have lost their limbs, or been otherwise disabled in the sea-service." Here is, I conceive, a direct violation of the charter, for the council must be composed of officers of the said hospital; and all officers must be seafaring men. If it is pretended, that these five members of the council are not officers, the charter is infringed, by making them of the council. If they are officers, it is infringed, by their not being sea-faring men, &c. Usage and custom can never be pleaded to justify a breach of such direct provisions, nor can they here afford an excuse; for if usage had shown, that such a deviation from the original commissions was proper, the framers of the new charter, granted in 1775, and which seems so much accommodated to the views of the Admiralty, should have rendered this legal, by leaving out the proviso. But, they have done otherwise: they have in the new charter repeated the strict proviso of the old commission, "that all officers to be employed in the hospital shall be sea-faring men," &c. Instead of altering this regulation, they have confirmed it by the more solemn tie of a charter: they have made it a law for themselves, which they have violated in the five instances I have mentioned.

My next point, under the same head, is, that besides these five members of the council, there are 21 other offices in the hospital, also held by landmen, contrary to the charter, viz. — Furber school-master, John Pocock dispenser, Francis Cook secretary's clerk, Daniel Ball steward's first clerk, Philip Lewis, James Skeen mates to ditto, Alexander Moore master cook, Roger Hunt mate to ditto, Nicholas Levit scullery-man, Robert Russel, William Garner mates to ditto, James Lane porter, David Storey, Thomas Carnaryan surgeon's assistants, William Wheat-

ley dispenser's assistant, Stephen Hickman brewer, William Dickey turncock, William Dickey labourer, Robert Milne clerk of the works, — Paunceford clerk of the council, James Huggins labourer. I am not aware how this can be denied. They are all lodged in the hospital, and appear to me under the description of officers.

My third point under the same head, is, that of three matrons, which are established in the hospital, two of them are not widows or daughters of seamen. Possibly a quibble may be raised, by saying, that women cannot be called officers, and cannot be sea-faring men, or be supposed to have lost their limbs and been disabled in the sea service. My answer is, that the evident object of the institution was for the navy; and that whenever any persons, properly under a naval description, can receive any benefit on this establishment, for themselves or their widows, they have a right to be preferred. Former usage shews, that this very office of matron has been looked upon in the hospital to belong to widows of seamen; but the present practice seems rather to consider that character as a disqualification. Mrs. Smith, the widow of a captain in the navy, petitioned to be a matron, but in vain. A Mrs. Dennis, the widow of an admiral, has also petitioned; and there are now the widows of twenty officers of the navy serving as nurses in the hospital. If two of the present matrons, being neither widows nor daughters of seamen, is not a breach of the charter, it is, at least, a perversion of the institution.

Under the same head, I have further to observe, that there are no less than 25 other employments held under Greenwich hospital by landmen. As they are not lodged in the hospital, I shall not contend that they hold their offices contrary to the words of the charter, but certainly contrary to the spirit of this foundation. There is scarcely any of these offices, which persons having served at sea, or who have been disabled in the sea service, might not be found fully capable of executing. They consist of surveyor, clerks, &c. James Stuart surveyor, William Ferguson auditor's clerk, Henry Taylor surgeon's servant, George Hambley steward's clerk, J. Samworth ditto, George Smith clerk of cheques' clerk, John Elder ditto, Lufton Ralfe organist, George Pope brewer's assistant, — Pierson ditto, John Smith ditto—11.—Persons holding

under the Derwentwater estate, Dr. Scott rector of Simonbourne, — Lancaster rector. James Turner, Nicholas Walton receivers—4.—Persons belonging to the Sixpenny-office, on Tower-hill, all paid by the hospital fund: Thomas Hicks receiver, J. Cleveland comptroller, J. Beverly accomptant, J. Bryan, H. Mattocks, William Gray, Charles Eve, J. Dalley, their clerks, Margaret Scold house-keeper, William Newnam messenger—10.—In all 25. Of these the employment of surveyor, who it is said “must be an eminent architect,” seems to me the only one which a seaman may not be capable of executing.

But I must here observe, that in the commission there was a power given to the commissioners “to call in to their aid and assistance skilful artists, to the end that the building and finishing of the said hospital may be carried on with as much speed as possible.” As such, and while the building is going on, (which ought long ago to have been finished) an architect may be employed, and when new works may be to be undertaken, such a skilful artist might be called in. This power was given by the commissions to the general court. The charter has left it out, to center all power in the Admiralty alone. But I do not see any pretence for the hospital’s having two architects, Mr. Stuart and Mr. Mylne, under the denomination of surveyor and of clerk of the works. It has been said, that three other officers, viz. the auditor, organist, and brewer, must be landmen. I do not see why this is necessary. The auditor’s business is not law business. If an organist is necessary, is there no seaman sufficiently musical for that employment? If not, this is but a single exception, and as to the brewer, I do not see why a seaman may not be as capable as the present brewer, Mr. Hickman, who was educated an ensign in the guards.

There can be no reason why all the clerks and under clerks should not be seafaring men. Why should not the two livings of the Derwentwater estate be held by chaplains of the navy? Why was Mr. Scott to have the preference over them all? What was his merit? Was it being the author of *Anti-Sejanus*, and other political writings? I cannot help observing on the difference between the treatment of two persons for their writings of the same sort, attacking favouritism. Mr. Wilkes was expelled parliament, outlawed, fined, and imprisoned. The rev. Mr. Scott was

rewarded with a living of 1,000*l.* a year. Mr. Wilkes adhered to his own independent principles. Mr. Scott belonged to a faction (of which the present first lord of the Admiralty is an eminent branch) which changed their language and conduct on getting into place.

It has been said that the stewards of the Derwentwater estate must be landmen, but no reason has been given; it has been asked by the noble lord at the head of the Admiralty, “whether your lordships would send to Greenwich to get a steward from among the pensioners, and whether being a disabled seaman was a qualification for a land steward?” My answer is direct, it is no qualification, but it is no objection. There may be, and there are many meritorious seamen who are disabled, very capable of this office. Are not there many admiral’s and captain’s secretaries, pursers and other officers, lieutenants, or captains themselves, who are perfectly qualified for this office, and would be happy with such a provision?

I have next mentioned the Sixpenny-office on Tower-hill. The salaries of the ten offices belonging to this establishment come out of the seamen’s pay. Why should not seamen enjoy the benefits arising therefrom? There can be no doubt but there are numbers of seamen capable of executing the little duty the Sixpenny-office requires.

From the foregoing account, your lordships will see, that there are no less than 53 offices depending on Greenwich-hospital held by landmen. The noble lord himself pretends only to cite five of them, besides the steward of the Derwentwater estate, that he thinks seamen are not fit to hold. Much parade is made for not having placed landmen as pensioners in the hospital. These situations are of small account compared with the profitable offices I have mentioned, which, to the amount of 47, the noble lord gives to landmen, although he admits they are not such as require the exclusion of seamen. This is the true friend of the seaman!

I come now to the second head. The Misconduct of the Boards.

There are several instances, in which the conduct of the board of directors strike me as highly blameable, but I shall confine myself to two. It appears by their minutes, that they had referred to the council for their opinion, on the practice of giving money instead of provisions to the men, under the denomination of But-

ler's List, and Chalk-off Lists. The council saw some difficulties in removing the first, but with regard to the last, the unanimous representation of a very full council on the 9th of August, 1776, was in the following words: "That such practice (referring to the Chalk-off List) is not only contrary to the establishment, but injurious to the health and morals of the pensioners, and is attended with many inconveniences, improprieties, and irregularities, and ought to be totally abolished." This representation was made by the council to the board of directors, in consequence of a reference from themselves. But the court of directors took no further notice of it, and the practice subsists to this day.

It was indeed said by Mr. Ibbetson, that he had heard from his clerk that the directors had seen reason to preserve that practice, as it would be taking too much off from the charity fund. And lieut. Moyle says, that many of the members of the council had altered their opinions. But nothing of this sort appears on the minutes either of the board of directors or of the council. I shall not here discuss whether such a practice, which so full a council had unanimously recommended to be abolished, and had so strongly censured, was or was not deserving that censure. But capt. Baillie and capt. Allwright swear, that these and other instances of neglect in the board of directors discouraged them from making further complaints.

But the next is the most striking and alarming instance of misconduct in the board of directors. It is the renewal of the contracts with Peter Mellish for supplying the hospital with meat, notwithstanding his being on record for having cheated the hospital. The story of this Mellish is well known, and briefly this: He was employed by the directors to provide meat for the pensioners, at 32s. 6d. per cwt. The complaints of the pensioners of the badness of the meat, excited the vigilance of capt. Baillie, who at length, through the assistance of Alexander Moore, the cook, detected the villainy of the contractor, prosecuted him in the King's-bench for the penalties he had forfeited, and brought him to punishment in the face of his country. A second action was commenced against him for similar offences which could have been as easily proved, yet the directors permitted him to compound for 100*l.*, penalties amounting to 500*l.* Notwithstanding these repeated instances of knavery, notwithstand-

ing it was proved that the meat he served was worth only 14s. when he was paid more than 32s. per cwt. yet the directors, in defiance of their duty, of humanity, and of their trust, renewed their contract with this convicted criminal. I will do the directors the justice to state the apology they have made for their conduct, as mentioned by one of them, Mr. Cust, at your lordships' bar, which is, "That as Mellish's offers were the lowest, they thought themselves under an obligation to contract with him." But this principle is the most false, and the most dangerous in its consequences of any I ever heard uttered; it is contradictory to all the rules of prudence which direct private affairs, and to all the policy, propriety, and decorum which ought to regulate matters of a public nature. It tends to maintain and encourage the wickedest and basest of frauds; since, according to this idea, the public conviction of dishonest practices upon the most important of all objects, the sustenance of meritorious age and infirmity, incurs, at worst, nothing but the immediate penalty; still leaving the capacity for future trust (trust relative to the very object of the fraud) as perfect as ever. It thereby destroys the greatest, if not the only prudential motive, that any trading man can have to integrity and justice; namely, the benefit of a fair character, and the trust, confidence, and extent of employment, which ought inseparably to follow it. But in consequence of this principle, and of this example, a contractor with the public knows, that it is with difficulty he can be convicted at all of any fraud, however gross and palpable; he knows the man who convicts him will, like capt. Baillie, be praised and ruined; he knows, that when he has compounded for a very trifle, the advantages of years, perhaps of the most lucrative speculations, he may, by the riches acquired through that very iniquity, be enabled to out-bid, as he had before out-faced all the timorous integrity of honest tradesmen, who are kept down, and put to shame by the hardness of his villainies; and after deserving the pillory a thousand times, he shall trample on all opposition, domineer in all markets, command all contracts, extend a purse-proud influence into every quarter of the country, and pass the hours of his repose from fraud, in county-clubs with the noblest company in the kingdom. This, my lords, to a public so full of dealings and contracts of all sorts, is no trifling con-

cern. I have not mis-spent your time in marking and exposing this cruel and insolent fraud, and the profit, power, and importance that results from it. It is for you to determine how far you will join in the corruption of the morals and injury to the revenues of your country, which must inevitably ensue from such practices followed by such rewards.

I now come to the proceedings of the General Court and the Committee they appointed.

Capt. Baillie, after these and other fruitless attempts to get the abuses of Greenwich hospital redressed by the council and board of directors, drew out a full account of them and of the general management of the hospital for some years back, which he entitled, "The Case of the Royal Hospital for Seamen at Greenwich." He caused it to be printed, not with an intent to publish it, but, in case he should be obliged to present it to all the commissioners and governors of the hospital, to save the expence of having 200 copies written. His first step was to wait on lord Sandwich, on the 7th of March, 1778, with a copy of this Case, which, with a letter explaining his reasons for so doing, he left at the Admiralty. Capt. Baillie proceeded no further in this business for some time, hoping his lordship would take some step towards examining into the complaints, and towards rectifying the abuses. It was not till the ninth day, after leaving his complaint with lord Sandwich, that capt. Baillie called on his lordship to know if he had any commands relative to the subject matter of the case he had laid before him. His lordship said he had not. Capt. Baillie then waited till the 26th of March, 1778, when he delivered another copy of his Case, with a letter, to Mr. Stephens. The noble lord has given as a reason for not taking any notice of the letter and complaint of capt. Baillie to him, that it did not come officially to him; that letters to him are all of a private nature, that those only which come to the secretary of the Admiralty are of public concern. I shall not dispute that this idea is strictly adhered to, when a grievance is to be redressed; but if a favour had been to be granted, or a good contract to be patronized, I strongly suspect that not writing to his lordship would have been deemed a strange neglect and want of attention; and that a suitor would have little chance of success who should content himself with an official request to Mr. Stephens. At

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all events, capt. Baillie's prior application to the noble lord, was a proof that he was not wanting in respect to his lordship.

Finding no redress from this step, capt. Baillie wrote officially to Mr. Stephens, on the 26th of March, inclosed his Case of Greenwich hospital, and desired it might be laid before the board of Admiralty. He also requested that their lordships would be pleased to summon "a full and general court of the commissioners and governors according to the true intent and meaning of the charter, to whom he most ardently wished to appeal. He also hoped, that to make such a court efficient it would be advertised three times in the Gazette, as well as summonses sent, that a proper number of respectable characters might be present."

I beg leave here to observe, that this request of capt. Baillie "that proper summonses, or notices might be sent," was a matter of some importance. It is remarkable that there appears but one instance in the records of the hospital, as far as I have been able to examine them, in which regular notice was sent to all the members of the general court of commissioners to attend any meeting. So that perhaps all their proceedings from the first settlement of the hospital, may, (if on a more strict search this should prove so,) be deemed illegal and void, for want of such summons. And if the House shall think proper to proceed further in this business, such a strict search may be very necessary. The single instance I have mentioned, was when a new steward was to be appointed to the Derwentwater estate. Mr. Ibbetson has informed the committee, that on that occasion there being two candidates, he had, of his own mere motion, sent summonses to all the members, except the princes of the blood. It does not, however, appear that this was ever repeated, not even on the passing the new charter, nor on this occasion, when it was particularly requested by the lieutenant-governor, on a complaint of great abuses, into which he desired the general court would enquire.

His request that notice in the Gazette might be three times given, was also totally disregarded. The court was called in the usual manner, which from Mr. Ibbetson we learn is, to summon only "the lords of the Admiralty, secretary at war, treasurer and commissioners of the navy, lieutenant-governor, auditor and directors of the hospital, and deputy master of Tri-

nity house." These, it is observable, amounted on the present occasion to 40 persons; of these, 24 were directors, and 7 were lords of the Admiralty, that is, 31 persons immediately affected by the complaint. The remaining 9 consisted of the secretary at war and treasurer of the navy, who never attend, and of the secretary of the Admiralty and 6 commissioners of the navy, who were not the most proper men in the world to sit in judgment on the conduct of the Admiralty—a superior board under whose directions they are immediately placed.

When this general court, thus composed, met on the 14th of April, it consisted of 25 persons, of which all but 2 were affected by the complaint, either as lords of the Admiralty, or as directors; and those two were Mr. Stephens, the secretary to the Admiralty, and sir Richard Temple, a commissioner of the navy. All the other great personages, officers of state, and others that are members of this court, were not summoned as they had been when Mr. Smeaton was appointed steward to the Derwentwater estate, nor was the meeting advertised in the Gazette, as capt. Baillie had requested. It cannot be urged, that this was refused for any good reason, since the subsequent general court, in August, to receive the report of the committee, was advertised without any request of capt. Baillie's. To advertise the meeting in August, when it could produce no effect, every body being out of town at that season, and to refuse it in April when many might have attended, serves only to convince us, that capt. Baillie's request was liable to no other objection than the good effect it might have produced.

This court thus constituted, met on the 14th of April, 1778. The Minutes say, "That lord Sandwich informed them he had called them together, to lay before them Mr. Baillie's letter to Mr. Stephens, and his printed Case. His lordship also laid before them several applications from the board of directors, several officers of the council, principal civil officers, and numbers of clerks, &c. (who conceive themselves greatly traduced and injured by the charges contained in capt. Baillie's book) desiring redress; all which were read. Capt. Baillie acknowledges himself to be the author of the printed Case. Great part of the said Case was then read, particularly such of it as more immediately reflected upon the proceedings of the directors, and their secretary." Mr. Cust,

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(one of the directors) then moved, that a committee might be appointed to investigate the grounds of the charges contained in the said printed book. "Capt. Baillie was then desired to name seven of the most independent directors to form a committee, which he declined. Lord Sandwich then took a list of the directors, and having put down the names of the following gentlemen, viz. Sir Merrick Burrell, Mr. Fonnereau, Mr. Cust, Mr. Savory, Mr. Barker, Mr. Wells, Mr. James, Mr. Reynolds, captain Baillie was asked, if he had any objection to them, to which he declined giving any other answer, than that he disapproved of the mode. It was then resolved, That the above-mentioned gentlemen, except Mr. Fonnereau, who desired to be excused on account of his ill health, should be a committee (of whom three to be a quorum) to investigate the grounds of the several charges contained in the above-mentioned book; and they were desired to proceed upon that business with all convenient dispatch, at such times and places as they should think most proper for the purpose; and, when they had completed such investigation, to let the lords of the Admiralty know it; that another general court might be called to receive their report."

Two reflections occur on the proceedings of this general court, composed, as I have before stated, of directors and lords of the Admiralty. The first is, that they considered the directors as peculiarly concerned in captain Baillie's book—lord Sandwich had laid before this general court applications from them complaining of it, and desiring redress. The whole of these and other applications were read, while only a great part of captain Baillie's Case was read. The Minutes specify the part which was read "to have been particularly that which more immediately reflected upon the proceedings of the directors and their secretary." But notwithstanding these proofs that the general court looked upon the directors as more immediately concerned in the complaint, they appointed a committee, consisting solely of directors, to examine the grounds of it. The Minutes of the general court state capt. Baillie as objecting only against the mode of proceeding. But he has sworn, that he objected to the constitution of that committee, as composed of directors, parties in the business. This evidence has not been controverted, and capt. Baillie's letter of the 18th of April, 1778, to the

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committee, protesting against their constitution and proceedings, is very full upon the subject.

The second reflection to be made is, that the motion for the committee by Mr. Cust, and the resolution of the general court are in the following words: "to investigate the grounds of the charges contained in the said book." This was the matter referred to them, and no other. They were to enquire into the grounds of the complaint alleged by capt. Baillie in his book, against any persons whatsoever; not the complaints of those individuals who had petitioned to the general court, against him. For although their applications had been received and read, they were not referred to the committee, whose conduct to be regular should have been strictly governed by the matter referred to them. But, indeed, it is no wonder if these gentlemen sometimes confounded the characters in which they were to act, as it was the same set of gentlemen who appointed the committee, and composed the committee, who were judges and parties, who reported of themselves and to themselves.

I have already mentioned capt. Baillie's protest in his letter to the committee of the 18th of April, 1778. However, they proceeded, and had seven different meetings at Greenwich. To give an account of all the extravagance and injustice of their conduct would be voluminous indeed. A few particulars will mark the character of their proceedings. Mr. Cust, who sat as chairman six days, has deposed at your lordships' bar, that the committee did not think they were to enquire into any matters respecting complaints against either the court of directors, the general court, the governor, board of admiralty, or first lord of the Admiralty. In consequence of this idea, the most essential parts of captain Baillie's complaints were left unexamined, nor was any other means offered to captain Baillie, whereby he might proceed in his complaints against these superior powers. Mr. Cust admitted, that as directors, they were parties interested, and could not judge in their own cause. It is a pity that his ideas could not reach a little further, and see that persons accused were not the most proper judges to try a cause of the same nature as their own, and where their own accuser was a party.

Let us now see how the committee proceeded to investigate those grounds of the charges contained in the printed book, to

which they had now reduced the enquiry. Capt. Baillie proposed to go through his book regularly from beginning to end, article by article, and to bring evidence in support of each. This was refused: and the fact of the refusal, with many other particularities no less striking, appear in Mr. Cowley's evidence. Mr. Cust admits that he had settled with Mr. Morgan, who was employed "as counsel for the persons who had complained against capt. Baillie," the plan for the proceedings of the committee. This plan, we learn from Mr. Morgan, was as follows: to collect from capt. Baillie's books such articles as related to one particular officer—such as the secretary, surveyor or steward, and to call upon capt. Baillie to make good those charges, so selected by Mr. Morgan. In this manner the committee directed him to proceed, notwithstanding his repeated protestations against so extraordinary a method. I believe this is the first instance in any court whose conduct claimed the smallest similitude to legal proceedings, where an accuser was dictated to as to the manner in which he should accuse, and his accusation regulated by the counsel for the accused. The thread of capt. Baillie's complaints was broken. He was obliged to jump backwards and forwards, from one page to another, just as Mr. Morgan chose to lead him. When he wanted to bring more evidence, he was refused. It was either foreign to the subject or not the proper time. Mr. Cust had repeatedly assured him, that when Mr. Morgan had done, he should be heard, and bring what witnesses he pleased. Mr. Baillie submitted, relying on his promise; but Mr. Barker, who was chairman on the last day of the committee, knew nothing of this promise, and suddenly broke up the committee without suffering capt. Baillie to produce any further evidence. Capt. Baillie had brought a short-hand writer to take an account of the proceedings. This was refused, and the man was turned out of the room; although Mr. Ibbetson, the rev. Mr. Cook, and others complained of, and complaining against capt. Baillie, were suffered to take such notes as they pleased.

One instance of capt. Baillie's fairness is very remarkable. It had been contended that the specimens of bad cloathing which capt. Baillie offered to produce, might have been picked. Sir William James proposed examining the first men that passed. Capt. Baillie most readily

assented to such an impartial examination, and earnestly pressed that the men on guard, or any other men taken by chance, might be examined: but this was refused by the committee. Another instance before alluded to, proves how this committee investigated the grounds of the charges contained in capt. Baillie's book. He states a grievance of the poor blind men, that the posts and rails belonging to a walk called the Blind Men's Walk, whereby they were enabled to feel their way in safety, had been taken down, and had occasioned some accidents. One man had fallen down, and broke his thigh. Capt. Baillie begged that several of the blind men then at the door might be called in, and examined as to this complaint. This was refused, and it was then that capt. Baillie going out of the room lost his temper, and told these poor creatures, "that they would meet with no redress; that they might break their necks and be damned, nobody would save them." At your lordships' bar, Mr. Barker, the chairman, and sir William James, one of the committee, have deposed, that their reason for not examining into this matter was, "that it had been redressed." But as I have before stated, capt. Alwright, who lives in the hospital, positively swears, that the posts and rails in the blind men's walk, taken down before capt. Baillie's book appeared, have never been put up again!

The minutes of the proceedings of this committee shew that no one of the members attended all the seven meetings, so that none of them could say he had gone through this examination, such as it was. There was an eighth meeting, but whether to call it of the committee or of directors, I know not. Capt. Baillie was excluded from this meeting. An answer from the directors respecting their conduct was there drawn up, and added to the report, but so accuser, witness, or evidence, heard. Mr. Cust and Mr. Barker signed the report, as chairman. Mr. Cust has deposed, that he signed only for the six days he attended; but Mr. Barker has sworn that he signed for the proceedings of the whole seven days, although he was present only two days; "presuming that the committee did when he was absent as when he was present; and that being men of business, they could not act otherwise than regularly."

The general court of commissioners and governors was held on the 12th of

August to receive the report of this committee. I have already mentioned, that this meeting was advertised in the Gazette; but being in the midst of summer, this measure did not produce a very great attendance. There were present 20 persons; of these, 16 were interested in the complaint. The other four were, Mr. Stephens, secretary to the Admiralty, sir G. Rodney and sir E. Hughes, admirals, and sir John Williams, commissioner of the navy. At this meeting a report of the committee was read, as was a letter from captain Baillie to the governors and commissioners, objecting to the committee, complaining of their proceedings, &c. An altercation then took place, whether an assertion of captain Baillie's in that letter, "that he was informed by lord Sandwich at the last court, that none are summoned to the general courts but those whom he thinks proper," was founded in truth. Lord Sandwich appealed to the commissioners who were at the last court, and they all were positive "that his lordship had not said any thing which could be so understood." There can be no doubt on such testimony, and yet I can conceive that captain Baillie might be led so to understand the matter, from finding that his request for a general summons was disregarded, and his desire that the meeting might be advertised complied with, only when it could be of no use.

The general court came to the following resolutions: "That the several charges contained in captain Baillie's book, which have been examined into by the committee, appointed for that purpose, appear generally malicious and void of foundation, and tending to disturb the peace and good government of the hospital;—and that a copy of the report of the said committee be therefore laid before the lords commissioners of the Admiralty, and that it be submitted to their lordships, whether, for the better government of the hospital, it may not be advisable to remove the said capt. Baillie from his employments of lieutenant-governor and one of the directors thereof."

In capt. Baillie's evidence, he swears, that he had in his hands the depositions for his defence in the King's-bench. That he tendered them to the general court. "They were refused, and the answer was, they were not come to hear evidence upon oath, but the report of the committee." It did not require much time to give to these resolutions of the ge-

neral court, the stamp of authority from the Admiralty. The three lords who had just sat as members of the general court, immediately transformed themselves into a board of Admiralty. The minute states them to have received a letter from Mr. Ibbetson of that day's date, inclosing a copy of the proceedings of the general court. It states them to have read the report of the committee, and the minutes of the preceding general court, when the said committee was appointed. It also states them to have read a letter of the 8th of August, signed by fifteen principal officers of the hospital, desiring captain Baillie's removal. Upon these grounds, and no other, the lords commissioners of the Admiralty resolve—"That it is expedient for the peace, quiet, and regular conducting the business of the hospital, that capt. Baillie be suspended from his employments, both as lieutenant governor and director, and one of the council of Greenwich-hospital, till further order." "That directions be forthwith given to sir Charles Hardy, to cause him to be suspended accordingly."

Two days after, viz. on the 14th of August, 1778, capt. Baillie, in his letter to Mr. Stephens, "requested him to move the lords of the Admiralty to direct that he might be furnished with a copy of the order by which he was suspended," but could never obtain the same. On the 1st Dec. 1778, capt. Baillie wrote to the lords of the Admiralty, intreating to be restored to his station in the said hospital. On the 8th Dec. 1778, capt. Baillie wrote to Mr. Stephens, begging that "he would be pleased to lay his humble request before their lordships or the general court, as the case might be, to the end that he might have authentic copies of any new complaints. And also that their lordships might be pleased to give directions that he might have a true copy of the report made at the general court held at the Admiralty of the 12th of August last, by the late committee of enquiry appointed for that purpose." In answer to this letter of capt. Baillie's, Mr. Stephens on the 11th Dec., writes, "I am commanded by their lordships to acquaint you, that they have not received any new complaints against you, and that as the report above-mentioned was made to the general court, their lordships do not think themselves authorised to give directions for your being furnished with a copy of it." It is true that this letter is not before the committee. The

order having been only for letters written to the Admiralty, not for those written by their secretary. But the original is in captain Baillie's possession, and ready to be produced to your lordships. On the 25th Dec. 1778, the Admiralty dismissed capt. Baillie. The minute of their proceedings is so curious and so important in this business, that I must beg leave to read the whole minute of it.

"Admiralty office, December 25, 1778. Present, earl of Sandwich, Mr. Buller, earl of Lisburne, lord Mulgrave. Read a letter of the 1st inst. from capt. Baillie, desiring to be restored to his station in Greenwich-hospital; read also a letter from the directors, and a memorial signed by fifteen of the principal officers, as well military as civil, both dated the 4th instant, repeating their former applications, that justice may be done to their much injured characters; read also the warrant by which capt. Baillie was appointed lieutenant governor of Greenwich-hospital; the order for his suspension, and the clause of the charter authorizing and empowering the Admiralty-board to displace, move, or suspend officers for misbehaviour, and to appoint others in their room; and their lordships having resumed the consideration of the minutes of the general court, and the report of the committee relative to capt. Baillie, and the several applications which have been before made to them by the directors and others who conceived themselves greatly injured by his book.

"Resolved, That the said capt. Baillie, for his misbehaviour, as stated in the report before mentioned, be removed from the offices of lieutenant-governor, one of the directors, and one of the council of Greenwich-hospital. That captain Jarvis Maplesden, first captain in the said hospital, be appointed to these offices in his room. That the captains of the said hospital, below the said captain Maplesden, be moved up, and that captain James Cook be appointed fourth captain, in lieu of captain Chads."

On the 30th of January following, captain Baillie, in a letter to Mr. Stephens, repeats his request in the strongest manner, for a copy of the report, together with the other papers relative to him, and read before the Admiralty on the 25th of December, when he was dismissed. He also desires to have copies of the resolution of the general court of the 12th of August last, respecting himself, and of the original order to the committee. He desires

these for the furtherance of justice, being advised, that he is entitled to a legal remedy. Captain Baillie again, on the 9th Feb. in his letter to Mr. Stephens, repeats his request for these papers. He insists on them as his right, and at all events hopes he shall be entitled to an answer. But to all these requests captain Baillie got no other answer than that of the 11th Dec. above-mentioned, wherein the copy of the report was refused, and he never obtained any of the papers.

It is here necessary that I should call your lordships' attention very particularly to this proceeding of the Board of Admiralty. By the new charter of 1775, the Admiralty had got the power of appointing to all offices in the hospital. They had also obtained the power and authority to displace, move, or suspend, any officer for his misbehaviour. I believe it will not be contended, but that the charter giving the power of removal for misbehaviour, restricts that power for any other cause than misbehaviour: that by so doing, all officers so appointed, enjoy a freehold in their office, from which they can be removed only for misbehaviour. The persons to judge on this misbehaviour are the Admiralty; but in judging of it they must observe something of the usual forms of legal proceedings. Before a man can be removed from his freehold, he must be charged with some act of misbehaviour, as a cause for his removal.—That act must be regularly proved, and he must be heard in his own defence. The court authorised to determine, must itself hear the cause. It cannot delegate the powers with which it is vested. The charter has constituted the Admiralty the proper board to remove for misbehaviour—they alone can judge of it. No other set of men can exercise this judgment for them. In the present instance, even that burlesque upon courts of enquiry, the committee, was not appointed by the Admiralty, but by the general court. And the general court itself has no power by the charter to judge of misbehaviour. It is the conduct of the Admiralty, acting as a board of Admiralty, that can be alone considered in this business; nor will it be of any avail to say that the general court by its constitution, necessarily included such a number of the lords of the Admiralty as would make a board. When they meet at a general court of commissioners and governors of Greenwich hospital, although the meeting is at the Admiralty-office, although they

sit there in right of their seat at the Admiralty, yet they are then acting only as governors of Greenwich hospital. To exercise the powers vested by the charter in the Admiralty, that board must be legally convened, and sit and do business as a board of Admiralty. This distinction is evidently admitted in the proceedings now on your lordships' table. The general court on the 12th of August, recommend the removal of captain Baillie. The board of Admiralty on the same day, consisting of the same three lords who had attended the general court, take into consideration the recommendation of the general court, and suspend captain Baillie. His removal on the 25th of December, is also by the board of Admiralty.

But did that board of Admiralty ever take those steps which I have mentioned, as requisite to remove a man from his freehold, or indeed to subject him to a penalty of any kind grounded upon his delinquency in any way? Was captain Baillie charged with any specific instance of misbehaviour? Did the board of Admiralty communicate any such charge to capt. Baillie? Did the board of Admiralty ever hear any one individual witness against capt. Baillie? Was capt. Baillie heard in his defence, or ever heard at all? It appears by the evidence, that none of these requisites were observed. Can your lordships then hesitate to say, capt. Baillie's removal, so circumstanced, was illegal? But it may be said, that capt. Baillie's appointment was only during pleasure. I know that the practice has been so to word the commissions of officers in Greenwich hospital; but the charter, which mentions the lieutenant governor, and which gives to him and to all officers a freehold in their office, can never, as I conceive, be defeated by a prior appointment, having given them a tenure of less extent. But if we were to admit, what never can be admitted, that the office was held during the King's pleasure, is there any thing to shew, that the King's pleasure has been taken on the occasion? It is the board of Admiralty, as a board (and not a minister signifying the King's determination of an office) that removes capt. Baillie. Their own sense of the matter is beyond all dispute, by their own mode of proceeding. They acted upon a complaint. That is, they acted judicially. They read the complaints of the several parties, and enter the reading on their minutes. They read the charter im-

powering them to remove for misbehaviour. They therefore proceeded with a full sense, that complaint and misbehaviour was the sole ground of their authority to remove. In a word, they proceeded formally as a court, and with the greatest regularity imaginable, omitting only the essential part, that is, all sort of proof of the misbehaviour on which they grounded their judgment, and the hearing or calling the party whom they thought proper to condemn.

I now come to the last and most material article of abuse, that has existed in Greenwich hospital, I mean the Alterations in the Charter from the old commission.

The noble lord, at the head of the Admiralty, seems to pride himself much, that in the investigation of this part of the business, these alterations have not been brought home to him. It is certain that the witnesses, Mr. Everest, and Mr. Sibthorpe, Mr. Ibbetson, and Mr. Eden, have steadily sworn that his lordship had no concern in them. From their evidence it does not appear that his lordship knew any thing of such business being in hand, till the draught was laid before the court of directors.

Before I remark on this fact, I must beg leave to point out to your lordships, how extraordinary it is that the noble lord, who values himself so highly on his attention to the minutest affairs of that hospital, should take great pains to prove that he paid no attention whatever to the most material points of all, no regard to the sole foundation of all the œconomy, police, rights and powers of that institution, and even of his power over it—The charter.—That he should have been even ignorant, utterly ignorant of the whole of this important transaction,—he who so highly values himself on fitting up a dining-room! Did ever any man before that noble lord attempt to exculpate himself from being the author, or adviser of an act which in argument he holds not only defensible but proper, by proving himself guilty of a negligence extremely culpable, and which it is impossible to defend! It is a strong presumption that he looks on that charter to be of such a nature, that a complete ignorance of it, and a negligence, however faulty, that removes him at a distance from any interference in it, is the most reputable situation with regard to that business, in which he can stand. But however this may be, I may hope still to con-

tend that the alterations were such as his lordship did not disapprove. As to its not being proved that he contrived them, I am perfectly contented that the noble lord should remain possessed of the triumphs he seems so pleased with on this occasion. It is immaterial to me who altered the charter.—It is not immaterial to Greenwich hospital that it was so altered.

The first alteration is taking from the general court the recommendation to all the officers in the hospital, which was vested solely in them by the commission, and placing in the Admiralty the appointment of all officers without such recommendation. This alteration totally changes the constitution of Greenwich hospital. It renders the general court of commissioners and governors insignificant, and makes the Admiralty the sole and uncontrouled ruler of this charity. It deprives it of all check and of all hopes of redress in case of abuse. If the general court in any instance was guilty of misconduct, the superintending power of the Admiralty was ready to correct the grievance. But now that the Admiralty has ingrossed the whole government of the hospital, if by chance they should swerve from their duty, be guilty of any job, or place landmen in this naval establishment, where is the controlling power that can correct them? I know of none but parliament, and your lordships have seen the difficulties attending such proceedings here. The higher branches of government should always be confined to their proper sphere, and never be suffered to become executive where they should be only superintending. While the government of the East India Company was left to their own directors, though very ill conducted, it was not half so ill conducted as since ministers have, in fact, taken it into their own hands. Before that time, the servants of the Company were under some restraint from the fear of the interposition of government, and of being punished for abuses. Now, that fear is removed; since it is government itself which directs; and there is now no greater fear in robbing the inhabitants of India, in extorting presents of millions from nabobs and princes, or in plundering the Company itself, than in rendering England a bankrupt nation to enrich a minister and his dependents. Any power without check is dangerous. That acquired by the Admiralty in Greenwich hospital is, in fact, without a check.

But we are told by the noble lord, in de-

fence of this important alteration, "that usage, as well as common sense, shews it was never intended to be otherwise." I shall not trouble your lordships with any remarks upon that extraordinary species of common sense which attempts to prove, that a commission giving in the most express terms the right of recommendation to a body of men, meant thereby, that they should never use it, but that another should. I should think myself still less excusable, if I should take up your lordships' time in disproving the impracticability (another exception taken) of regulations which commenced in 1703, and, according to the noble earl's own account, did not cease till 1722. I shall content myself with explaining how the other defence, usage, supports this pretended intention of the commission so different from its provisions. I find from the Minutes of the Hospital, that the course of proceeding at the first establishment, and for many succeeding years, was this. Upon the vacancy of any office, the petitions of those who had any claims to offer, were presented to the meeting of the directors. There the certificates of their qualifications were examined, their respective pretensions enquired into, and a report made of the whole to the general court. At the general court the report of the directors was taken into consideration; and an order made for recommending to the Admiralty such of the candidates as were fixed on for supplying the vacant offices. It sometimes happened, when the merits of the petitioners were nearly equal, or when the court wished to pay a personal compliment to the lord high admiral, that the court recommended two or more for the same office, leaving the choice of them to the prince of Denmark.

The noble earl has said, "that in one instance six persons were named to be chosen out of." I am exceedingly obliged to his lordship for pointing out this instance to the committee, as the proceedings of the Admiralty, of the directors, and of the general court in that case, afford the completest proof how the usage was, and will save me the trouble of selecting many others, out of the numerous instances, in which the Minute-books of the hospital abound. It is in the Minute-book D, folio 23. "By the directors in the hospital at Greenwich, December 29, 1716. Mr. Kynaston acquainted the board, that he had received a letter from

Mr. Burchet, secretary to the Admiralty, with directions to acquaint the directors from their lordships, that by the commission all the officers for Greenwich hospital are to be recommended by the commissioners, and not by the directors, and that their lordships had appointed that a general court be held this day se'nnight, in order to recommend a secretary to the said hospital."

At a general court of the commissioners, at the Admiralty-office, Jan. 5, 1716-17, Minute-book D, folio 25. "A general court being called, in order to recommend to my lords commissioners of the Admiralty, a secretary to Greenwich hospital, in the room of Mr. Vanbrugh, deceased, they proceeded to the same, and agreed to recommend Mr. Bell, Mr. Thomas Corbett, Mr. Robert Southby, Mr. Hawse, Mr. Maddox, and Mr. Hall, to their lordships, and desire their lordships' approbation to either which they shall think proper, if they shall appear to their lordships to be duly qualified."

"By the directors in the hospital at Greenwich, Jan. 26, 1716-7, Minute-book D, folio 27—Mr. Thomas Corbett presented his warrant from the lords commissioners of the Admiralty, appointing him secretary to the said hospital, in the room of Mr. Vanbrugh, deceased, the same was read and ordered to be entered, and he took his place according."

"But," says the noble earl, "the absolute and final appointment was in the Admiralty." The final appointment undoubtedly was, since it was necessary that the warrant should be signed by that board; but if by absolute, he meant that they had a right to appoint without the recommendation of the general court, his position is by no means true. The Admiralty of 1716, in the letter I have quoted, say directly the reverse. Besides the instance above adduced, I shall only beg leave to bring one more, which proves beyond dispute, that the Admiralty had no right to proceed to the appointment of any officer previous to the recommendation of the general court. "By the directors in the hospital at Greenwich, August 9, 1705, Minute-book D, folio 113, A letter from Mr. Burchet, secretary of the Admiralty, recommending Mr. Thompson, porter of the Admiralty, to be messenger to Greenwich hospital, was read and accepted, provided he has belonged to the sea."

I hope I have proved to your lordships' conviction, that usage has not served the

noble earl much better than common sense in his attempt to shew, that it never was intended the general court should fix upon the persons who were to hold offices in the hospital. It remains to be considered, whether during the period that this power in the general court existed in practice, the great ends of the charity were more effectually carried into execution, than when, by degrees, the sole power of appointments slipped into the hands of the Admiralty. We shall then be able to judge how far experience justified his lordship as the friend of the seamen, in his endeavours to establish by his new charter a practice which had crept in by the neglect of the old commissioners.

In the first part of what I have troubled your lordships with, I have fully explained how little the introduction of landmen into the offices in the hospital is warranted by the old commissions or new charter. But it is said, that it would be as reasonable to expect that the managers of Bedlam should be lunatics. My grave answer to this miserable attempt at ridicule, by comparing seamen with madmen, is, that if Bedlam-hospital was founded in its administration, as well as in its benefit, for the sole use of madmen, and that lunacy did not disqualify from the management, the managers ought to be madmen. And as being a seaman is not being a madman, nor any disqualification from the management of Greenwich-hospital, I think the positive directions of the charter should be observed.

I shall now beg your lordships' permission to examine a little further what was the practice, with respect to the appointment of seamen to the management of this hospital, at the time of its first establishment. The practice of that time will, I think, prove the best comment on the intentions of its founders. And I think I shall prove to your lordships' satisfaction, that none but sea-faring men were formerly looked upon as qualified to hold any offices in the hospital at all. That none but such were recommended by the general court, and that when seamen capable of executing any of the offices were wanting, persons were appointed, *pro tempore*, to fill them.

The first proof is a general order given by the court of Commissioners to the Directors, August 11, 1704, Minute-book D, f. 32. "At a general court of the Commissioners for the hospital at Greenwich, several petitions relating to offices,

which had been laid before the board of directors, were offered to consideration, and are referred back to the directors to examine the same, and report by an abstract thereof the claims therein made, respecting all such as are not qualified according to the intention of the commission." What is meant by being qualified according to the intention of the commission, will appear from the following letter of recommendation to the lord high admiral, of persons to be appointed stewards and matrons:

"By the Directors of the hospital at Greenwich, &c. October 5th, 1704, Minute-book B, folio 40. May it please your royal highness, the directors of the royal hospital at Greenwich received and perused the petitions of Richard Gibson and Joseph Gascoyne relating to the office of steward, and having had due consideration to their respective qualifications and service of the crown at sea, do humbly take leave to lay their names before your royal highness, for filling the said office, as a necessary preparation towards the taking men into the said hospital. And there having been likewise divers women praying our recommending them for the office of matron, we likewise humbly take leave to lay before your royal highness the names of those persons, which are looked upon to be qualified by the constitution, for your royal highness's election of a matron, and most humbly leave the same to your royal highness's consideration." [Here follow the names and services of the persons recommended.]

I now come to a very serious part of this business. The noble earl has appealed with imprudent confidence to the paper on your lordships' table, which contains a list of all the appointments of officers civil and military, since the first institution of the hospital in 1704, by which he tells us it appears how that matter was understood at first, and that not one of the persons first appointed to the civil offices was a seaman. How the matter was understood, I hope I have shewn pretty clearly to your lordships, by the extracts which I have read from the minute-books of the hospital: most of which are dated in the years 1704 and 1705. The same books may perhaps be of more use to us in ascertaining the practice, as well as the sentiments of the first commissioners of the hospital, than the list given in at your lordships' table by Mr. Maule, whose return I take upon me to prove, is false in

no less than five instances. The second person mentioned in that list, is Joseph Gascoyne, he is put down as steward, and not served at sea. The clerk will read the letter from the commissioners to the lord high admiral. Minute-book B, f. 40. October 5th, 1704. "Petitioners for steward. Joseph Gascoyne, registered and very well recommended from all the commanders he has sailed with." I believe your lordships will have little doubt of Joseph Gascoyne's having served at sea. A little lower down stands Edward Griffiths, cook's-mate, not served at sea. The clerk will now read in the same book, folio 219, the minute relating to Edward Griffiths. July 3rd, 1707. "By the Directors, &c. Edward Griffiths, applying to be admitted assistant to the cook, he is to be recommended to the general court, if it appears he has served at sea." At folio 239, he will find that he was recommended accordingly. I think your lordships will give credit to Edward Griffiths, that he has also served at sea. Two names lower, in Mr. Maule's list, appears William Silkworth, scullery-man's mate, not served at sea. The clerk will read the Minute-book relating to this said Silkworth, folio 207, March 6th, 1706-7. "By the Directors, &c. John Silkworth, an ancient seaman, is to be recommended for scullery-man's mate." There is a mistake in the Christian name, but from the office it is evidently the same man. Have your lordships any doubt that this Silkworth has been at sea? Next but one to Silkworth, stands James Barnes, porter, not served at sea. The clerk will now turn to folio 142, and read what is there said of James Barnes. January 3rd, 1705-6. "By the Directors, &c. A Petition of James Barnes, cook of the London, was read, and on reading his certificates, ordered, that he be recommended to his royal highness as a person fitly qualified for porter of the royal hospital, according to the prayer of his petition." Is James Barnes, my lords, one of the persons first appointed that never was at sea? The last in the list, is William Buller, barber, not served at sea. If your lordships' patience be not exhausted, the clerk will read the minute relating to William Buller, at folio 118. August 22nd, 1705. "At a general court, &c. William Buller, petitioning to be barber to the hospital; his petition is to be referred to the navy board for a certificate of his service at sea." I cannot pass over this matter without calling

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your lordships' attention to so very extraordinary a falsification in returns made by your lordships' orders. The list of officers in the prince of Denmark's time consists but of twenty persons, a fourth part of whom are falsely returned in the list before your lordships, and in such a manner as to mislead the committee in one of the most important objects of their enquiry; and the noble earl has built the best part of his defence upon this rotten foundation.

These are what appear manifestly on the face of their own books, and I have not myself a shadow of doubt from the general mode and spirit of their proceedings, but that the greatest part, if not all the rest of the officers, consisted of seamen. With regard to the chaplains, one of them is allowed to have been at sea; the other, Mr. Stubbs, was chaplain to the dock yard at Woolwich, and may on that account be supposed to have had some sort of claim to the benefits of a naval charity. For by the appointment of the chaplains of the ordinary of Woolwich and Deptford to be chaplains to the hospital, their annual pay and profits, on an average amounting to about 170*l.* a year, is added to the fund of the hospital.

Some other alterations in the charter from the commission have been taken notice of and defended. I have already so fatigued your lordships and myself, that I will not abuse your patience in adverting to them any further than to say, that if they are innocent, they appear to me also useless. If the new powers given by the charter to alien and sell, are incidental to all corporations, without express words to give them that power, it did not seem necessary to give that power by express words in the charter. It is a dangerous power, and very liable to abuse, particularly in a case like this. The estates of many corporations are solely for the use of the corporate body, like the private estates of individuals, and they may alien them in the same manner without any detriment to the public. But in the case before us, the estate of the corporate body is a mere trust; and not at all for the use of those who alien. They ought therefore to have been put under restraints, if they had been free before, rather than to have had so dangerous a power newly conferred upon them. An act of parliament has put this restraint very properly on bishops, who anciently possessed a right of alienation. The governors of this hospital did very well without this power before

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the charter; and ought not to have had it when the new incorporation was made. What is remarkable, the noble lord himself defends the power by an attempt to prove that it is in effect no power at all; and that no purchaser can safely rely on it, without knowing that his purchase-money is properly applied. A thing impossible for him to know; as it is utterly ridiculous to suppose a great public body to be under the controul of an individual and a stranger, for the due exercise of any of its functions. I conceive it would be better when exchanges are advantageous to have recourse to an act of parliament than to vest the commissioners with powers, which after all the alarm they have given, are not allowed satisfactory to a purchaser; since the duke of Northumberland in his late exchange, subsequent to the powers given by the charter, has thought it more prudent to have his title founded in a special act of parliament.—I can still less conceive any good purpose, for which the words in the commission so particularly directing that all monies given, &c. to the hospital shall not be applicable to any other purpose, were left out in the charter.

I have now stated to your lordships the various matters which I think require redress, and I am now to submit to your lordships' consideration what appears to me a proper Remedy.

That Remedy aims at two points.

1st. To restore to the general court of commissioners, the recommendation to offices which they enjoyed by the old commission, and of which the new charter has deprived them.

2ndly. To secure that none but seafaring men shall partake of the benefits of this marine establishment.

I shall move your lordships to report to the House the opinion of the committee, that the judges should prepare a Bill for these purposes. I propose a Bill, because I do not know of any other method of rescinding the present charter. I am told the King cannot annul a charter, but by the surrender of those to whom it is given. A Bill seems to me the shorter method, and I have no scruple in rescinding by act of parliament a charter wherein those to whom it is given have no personal interest, when the provisions of that charter militate against its objects, and when the design of rescinding it, is to substitute a better in its place.

I am ready to agree with the noble lord,

that the general court, as constituted by the commissioners, was not well contrived to procure attendance. Nor do I think that the charter leaving the general court so composed, is more likely to procure a better attendance, by depriving that court of the importance it enjoyed by the recommendation to offices. I would therefore substitute another sort of general court in its place, to consist of all the flag officers in the navy, and of none other. I think the care of our aged seamen can be entrusted in no better hands, than those of our admirals; having served with them, they will be acquainted with their pretensions, and know their merits; and they will be sure to bestow the benefits of this charity among their own profession.—A laudable professional zeal will encourage them to give their attendance; and the power of providing for an old shipmate, to be exercised upon vacancies by those who attend, will be a farther encouragement to them not to neglect this noble institution. As to the particular provisions and regulations of the Bill, if your lordships shall approve of the general plan, they may be settled when that detail comes before the House. I am not particularly attached to this or any other plan, I only wish to secure my two main objects, the restoring to an independent and effectual general court the appointment of officers, and to exclude all landmen from the possession of them in Greenwich hospital.

It may be expected that I should move some vote of censure on the noble lord at the head of the Admiralty. He has taken to himself the sole merit of every improvement that has been made in the hospital during his time. Even the increase of rents of the Derwentwater estate is to be attributed to him. It would therefore be but just, if he was made answerable for the many abuses which have been proved to exist unredressed by his lordship; he might particularly be charged with having himself appointed landmen to be members of the council, and officers of the hospital, in breach of the positive directions of the commission. The noble lord might indeed plead precedent; and I am ready to allow, that it might be admitted as a considerable alleviation of his offence. But I think no precedent can justify so direct a breach of the law. And what precedent can be pleaded even in excuse of a breach of that charter which has been obtained under his own administration? If it was no more necessary or reasonable that seamen

should be employed in the management of Greenwich hospital than lunatics in the management of Bedlam, this new modelled charter should have said so; but it has said directly the reverse; it has confirmed the old provision in the commission, that all officers of the house to be employed in the said hospital be seafaring men, &c. Nevertheless, this provision in the charter of 1775 has been violated in the following instances of officers, who are landmen, appointed to Greenwich hospital since the charter: Stephen Hickman, brewer, appointed 12th August, 1777. Alexander Moore, master cook, 14th Dec. 1777. James Arundell, cook's mate, 19th Dec. 1775. Roger Hunt, cook's mate, 7th Jan. 1777. N. B. These are all warrant officers appointed by the Admiralty. They are all officers in the hospital, and are not seafaring men. I am sensible that it is not the first lord of the Admiralty alone, that would regularly fall under the censure this conduct deserves, although the noble lord, as chief of that board, would certainly bear the greatest share.

But, my lords, I shall make no motion of censure. Your lordships see that it is not want of proof that restrains me; I am prevented only by my indifference whether the noble lord suffers or escapes censure for such a subject as this, when he has avoided it for having ruined the navy of this kingdom, and deprived it in times like these of the service of its most valuable officers. It is sufficient for my present purpose, if I can obtain redress for the existing grievances of Greenwich hospital.

But, my lords, although I am indifferent as to the punishment of the noble lord, I am not so as to the persecutions capt. Baillie has met with. He has been very meritorious in detecting the cruel frauds of the butcher, and prosecuting him and his servant to conviction. He has been at all times the true friend of the pensioner. He has brought to light many abuses; many he has got rectified, and the prosecution of others has occasioned his being harassed with expensive suits in Westminster-hall, and his being illegally dismissed from his office. Under this head of injuries done to capt. Baillie, I cannot avoid taking notice of the delusive hopes of a peaceful retirement, held out to him in the negotiation with lord Sandwich, carried on by Mr. Murphy, one of capt. Baillie's council, and Mr. Butler, a lawyer and friend of lord Sandwich's. The object of this negotiation was, to give capt.

Baillie some provision adequate to the value of his office. And the examination of this matter has taken up a great deal of the time of the House.

The only notion I ever had of this business was, that subsequent to all complaints against capt. Baillie, the first lord of the Admiralty had had thoughts of giving him, in some shape or other, an equivalent to the value of his employment. From hence I meant to argue, that at that time the noble lord thought capt. Baillie had some merit, some claim to protection, that so far out-weighed any fault that might make it proper to remove him from the hospital, as to induce the noble lord to make for him an equivalent provision. This fact has been fully proved. Mr. Butler deposed at your lordships' bar, that in the very first conversation he had with lord Sandwich on this subject, his lordship said, "That if capt. Baillie would consult the peace and welfare of the hospital so much as to retire immediately, and resign all his offices and employments there, that he had no objection to make him some provision." He further deposes, that at the meeting at the Admiralty, he heard lord Sandwich say to Mr. Murphy, "That if capt. Baillie would so far consider the peace and welfare of the hospital, as to retire immediately, and resign all his offices and employments, he had no objection to make the provision that was mentioned for Mr. Devisme, or any of capt. Baillie's family. His lordship then read the proposals, viz. Capt. Baillie, upon having his suspension taken off, and receiving the intermediate profits, and being permitted to stay in the hospital for a given time, will then resign his office, an equivalent provision being to be made for him. He considers his place in the hospital at 600*l.* per annum; being desired to point out a mode, he thinks it may be done in the following manner: he understands capt. Kirke, a commissioner of the victualling office, would prefer to be the lieutenant governor of Greenwich hospital, he therefore may be appointed in capt. Baillie's room, and captain Baillie will be content to retire on his half-pay, if his son-in-law, Mr. Devisme, is appointed a commissioner in the room of Mr. Kirke, or a commissioner's place at Minorca for himself. In this case he will do whatever is in his power to prevent any farther disturbance on the subject, and the remaining copies of the printed Case shall be destroyed in the presence of any persons

that will attend for that purpose; he hopes there will be no more printing on either side." This proposal, as I am informed, was dictated by Mr. Murphy, and written by Mr. Butler.

After saying that he believed capt. Baillie was misinformed of capt. Kirke's wishing to change; and after refusing to send capt. Baillie to Minorca, or to give him any place where he would have to act in concert with any other person, on account of his temper, lord Sandwich went on to say, "As getting him immediately from the hospital would be contributing very essentially to the good and welfare of the hospital, if capt. Baillie would so far co-operate, as to contribute to that essential advantage, he would make him the provision which he before spoke of for Mr. Devisme, or any of capt. Baillie's family."

After this Mr. Butler had a meeting with capt. Baillie and Mr. Murphy, which ended in the following memorandum: "Capt. Baillie, upon having an equivalent made him, is willing to resign his office of lieutenant-governor of Greenwich hospital, which provision may be either to him or to Mr. Devisme, as before-mentioned, but the resignation is not to be made till the compensation is given—capt. Baillie wishes to have a ship, though it were to be but for one cruize, in order to go out of the hospital with credit—and to receive the emoluments of his office till the compensation is given—nothing done in this business to keep the service from being open to capt. Baillie on any occasion."

This was sent by Mr. Butler to lord Sandwich, who a few days after told Mr. Butler, that "if capt. Baillie would resign all his employments, and retire immediately, it would be doing an essential service to the hospital, and he would so far consider it, as to make him the provision he before spoke of for Mr. Devisme or his family—that if he did not resign his offices and his employments, he should consider it as a defiance of his right to remove him, and should proceed accordingly. That at all events he should quit the hospital." No less than four times did lord Sandwich repeat that he had no objection to make provision for capt. Baillie.—The first time his lordship mentioned this provision, it was for capt. Baillie, not for his family.—That part of the proposal came from capt. Baillie himself, between the first time Mr. Butler had heard lord Sandwich open on this subject and the meeting between his lordship and Mr. Murphy. The

three last times this was said, the provision seems to be restrained to some of captain Baillie's family, but throughout there is a condition that capt. Baillie should resign. It farther appears from Mr. Butler's evidence, that the reason this negociation broke off, was, that capt. Baillie would not retire on the faith of lord Sandwich's promises, although strongly persuaded so to do by Mr. Butler and Mr. Murphy.

This transaction was in December last; subsequent to the report of the committee; subsequent to all complaints against captain Baillie; and subsequent to his suspension;—It was soon followed by his removal. The story which came out in Mr. Butler's evidence to have been told by him to captain Baillie concerning the fate of reformers, sufficiently marked the treatment he was to expect. The evidence having proved that the noble earl would make a provision for captain Baillie or his family, "if he resigned," I am to ask what merit there was in this act of resignation, that should entitle him to such a provision, or what crime in refusing to resign till the compensation was actually granted, that should render him unworthy of what was intended to be given him? Since that period of this negociation, when the provision was intended to have been given, what has captain Baillie done? Mr. Butler tells your lordships, "captain Baillie would not retire on the faith of lord Sandwich's promises." And his lordship considered his refusal to resign, as a "defiance of his right to remove him." I shall not examine on what grounds captain Baillie refused to trust to the faith of the noble lord's promises; or whether such a distrust was prudent or well-founded; but I must contend that it was no crime in captain Baillie, and that he had a perfect right to distrust and to refuse giving in his resignation, till the compensation was given; I shall further insist that a refusal to resign an office is not a defiance of a right to remove. From these observations your lordships will clearly see that captain Baillie lost the provision intended for him, not on account of any subsequent misconduct of his, but merely because he would not place faith in the noble lord's promises.

The account of the negociation, as taken from Mr. Butler, lord Sandwich's friend, fully proves that his lordship did not think captain Baillie undeserving a provision—no fresh act intervened on the

part of captain Baillie to render him less worthy of such a provision.—I must therefore, in concurrence with the noble lord's own first, and most equitable sentiments, think it peculiarly hard and cruel to deprive him of his office without the intended compensation. This is the use I originally intended to make of this transaction, and the evidence has fully warranted my observations. Much stress has been laid on the side on which the negotiation began. This never appeared to me a matter of any importance. Captain Baillie's account of it certainly induced me to believe that it had commenced on the part of lord Sandwich. By the account of the witnesses it appears otherwise; and that it took its rise from Mr. Murphy, for it is clear that captain Baillie did not set it on foot. That captain Baillie had said generally that he was ready to take an equivalent for his office is undoubtedly true. He mentioned it in his affidavit, sworn to before the King's-bench, in November last, as an offer he had made to lord Sandwich, in 1775.—He certainly could not do a wiser thing, than to wish to retire from an office in which his attempt to do his duty rendered him obnoxious, and even exposed him to ruin. On this idea, Mr. Bearcroft, leading counsel to captain Baillie, had asked him, whether if an opportunity offered he was willing to enter into treaty?—Captain Baillie said—Yes.—Mr. Bearcroft, in a very distant manner, sounded the Solicitor General, who was on the other side. But finding he had no authority to treat, Mr. Bearcroft told captain Baillie so, and there the matter dropped. This was previous to the decision of the court of King's-bench, on the prosecution of captain Baillie for a libel; Mr. Bearcroft wished to negotiate with a view to stop those proceedings—He failed.—The prosecution went on, and there the negotiation ended—Mr. Bearcroft's evidence on this subject is distinct, short, and manly. That Mr. Murphy has attempted, since that time, to set on foot a negotiation with Mr. Garrick, Dr. Shepherd, and Mr. Brown, is now proved; it might arise from Mr. Murphy's then zeal to serve captain Baillie, but captain Baillie positively swears it was without his knowledge, till Mr. Murphy acquainted him with his conversation with Mr. Butler.

If captain Baillie has led me into an error in this business, as to the side on which the negotiation began, I have every reason to believe it was not intentionally.

It is a piece of justice I owe him to declare, that in the course of the many, many conversations I have had with him on this subject, and relative to Greenwich hospital, I have never found him make the smallest attempt to mislead or deceive me. Every part of his story has hung together, and there has appeared the most strict attention to truth. Possibly captain Baillie misunderstood Mr. Murphy, and Mr. Murphy him. I would wish to reconcile the contradictions that have appeared between gentlemen of character. Captain Baillie, in support of his belief that the negotiation began on the part of lord Sandwich, has produced the plan for the examination of Mr. Butler on this subject, which was drawn by Mr. Murphy. But Mr. Murphy says, (if I understand him right) that he drew this examination with all the art he was master of, to bring out only a part of the transaction, to conceal another part, and thereby to produce an account different from the truth. But so far I must say for captain Baillie, that unless it was fully explained to him that it was for this artful purpose, that Mr. Murphy's plan of examination of Mr. Butler was drawn, I do not wonder at captain Baillie's having been misled by it. Captain Baillie was not himself present, at the opening between Mr. Murphy and Mr. Butler; he never saw lord Sandwich; the only accounts he had of the business were from Mr. Murphy.

However it might appear justifiable to Mr. Murphy, for captain Baillie to bring out in parliament, an imperfect state of the transaction, I am persuaded captain Baillie had no such wish, and that if Mr. Murphy gave him any imperfect hints of his paper being drawn with that intent, Mr. Baillie did not understand him. He appears to me so plain and direct a man, that I am persuaded, if such a scheme was not directly and fully explained to him, he would not suspect it, and would take all that was said to him on the subject, as a technical manner of speaking which he did not understand. I am, therefore, not surprized that the following passages, in the paper of interrogatories drawn for him by Mr. Murphy, should have convinced captain Baillie that the negotiation began on the part of lord Sandwich.

Examination of Mr. Butler, drawn up by Mr. Murphy. "1st. Was you present at any conversation between lord Sandwich and Mr. Murphy upon the subject of captain Baillie? He must say that he

was.—2d. Was it at the Admiralty? It was.—3d. Did Mr. Murphy go there in consequence of a letter from you, informing him that lord Sandwich desired to see him? He must say that he writ a letter to that purpose.—4th. Before you writ that letter, had you made any proposal on the part of lord Sandwich, to be mentioned by Mr. Murphy to captain Baillie? He must admit, that on Saturday the 12th of December, he did tell Mr. Murphy, that if capt. Baillie would resign his office of lieutenant-governor, lord Sandwich would make an equivalent provision for captain Baillie.”

Had this examination of Mr. Butler consisted merely of questions, captain Baillie might possibly, with a good deal of explanation, have understood them as Mr. Murphy says they were meant. But it is rather extraordinary that the answers, written merely for captain Baillie's information, or for that of a person who was to examine Mr. Butler, should not contain one syllable expressive of the view, with which it was said the questions were drawn. The answers seemed to give an account of the whole truth; nor is there in the whole of this paper the least caution to avoid bringing about more than is there stated.

I have before said that it appears to me a matter of no moment whence the negotiation originated. If there is any reflection to be made on the subject, it is, that had it originated from lord Sandwich, there would have been much merit in offering to a man whom he thought had good intentions, but an unhappy temper, some comfortable retreat.

Much has also been said on the supposed breach of faith in captain Baillie, by making the transaction known. It was certainly conducted under an injunction of secrecy, at the express desire of Mr. Butler, but for what reason I cannot devise. If the transaction was honourable, and even meritorious (as I think it was) where was the necessity for secrecy?—But does it appear that captain Baillie was the first person that divulged it? Quite the contrary. It was publicly talked of in Greenwich-hospital soon after it was over. Captain Baillie finding it was already known, and that instead of concluding in that friendly manner towards him, which he was led to expect, it was to end in his ruin, thought all bond of secrecy was dissolved. In matters of this delicate nature, so much depends upon the precise chain of circumstances, attending every part of the transaction,

that I am sure it would be impossible for your lordships (if you had any business with it) to determine how far Mr. Baillie's conduct was, or was not justifiable in the present instance. We have heard much, but not a tenth part enough to enable us to judge so nice a question. And undoubtedly the manner of carrying on a business, its final conclusion, and the conduct of the other parties, may very much alter the nature of an obligation.

I have only one more observation to make on this subject, which is, that precise accounts of a transaction of this nature, cannot be expected. I am persuaded that Mr. Cook, Mr. Butler, and Mr. Murphy, meant to give a faithful account of what had passed; but yet their recollections are so different, that in many instances they do not agree, in some they contradict each other.

The rev. Mr. Cooke, who was present when lord Sandwich, Mr. Butler, and Mr. Murphy met, has so unlucky a memory, that he recollects nothing which had passed in that conversation, which could possibly tend to prejudice lord Sandwich, or serve captain Baillie. Mr. Cooke, on the 4th of May, “does not recollect that lord Sandwich said what had passed between him and Mr. Kirke.” Although Mr. Butler deposes, that lord Sandwich said, “That with respect to what captain Baillie had mentioned of captain Kirke, he believed he was much misinformed, as capt. Kirke did not wish the change which was there mentioned.” Mr. Cooke, though present, “did not hear lord Sandwich say, that the directors of Greenwich-hospital had said they would not act with captain Baillie.” And yet Mr. Murphy speaking of the time when Mr. Cooke was present, deposes, “that lord Sandwich said the directors cannot act with him, they have presented a new memorial against him.”

Neither did Mr. Cooke hear lord Sandwich say, “that he must quarrel with the directors, or captain Baillie, or the least like that.” And yet Mr. Butler asserted, that lord Sandwich did say so; and Mr. Murphy confirms it. Mr. Cooke never heard lord Sandwich say there was a great deal of right in captain Baillie,—though he has a perfect recollection of his lordship's observing, that there was a great deal of wrong in him. And yet Mr. Murphy swears, that lord Sandwich said, he believed there was a great deal of right and a great deal of wrong in captain Baillie. Mr. Cooke does not recollect

lord Sandwich's saying any thing upon Mr. Murphy's saying, he imagined captain Baillie's place worth 600*l.* a year. And yet Mr. Murphy swears, that lord Sandwich "said his place may be 600*l.* a year, and I know if a man loses 600*l.* a year, and has no other fortune, he must be distressed." Mr. Cooke does not recollect that Mr. Murphy said capt. Baillie would print a third column. And Mr. Murphy, nevertheless, deposes, that Mr. Cooke said, that book (meaning the printed book in two cols.) must be published, "I told him that would do no good,—and that if it was published in two columns, I should advise captain Baillie to print a third to it." Mr. Cooke being asked whether lord Sandwich did not say, that if captain Baillie did not resign his office, he should look upon it as a flag of defiance,—answered, he never heard lord Sandwich say any such words. However, Mr. Butler declares lord Sandwich said, he should consider it as a defiance, if capt. Baillie did not resign his office. Mr. Murphy has positively sworn, that lord Sandwich said to him, "captain Baillie's place may be 600*l.* a year, I heard you estimate it at that sum in the King's-bench." And yet Mr. Butler as positively swears, that when he read to lord Sandwich capt. Baillie's proposal, in which his office was stated to be 600*l.* a year, that lord Sandwich replied, "it was no such thing," and that he is very certain lord Sandwich did not say to Mr. Murphy, that when he had stated captain Baillie's place to be 600*l.* a year he had stated it fairly.

These differences shew how little dependence can be had on the precise recitals of conversations at such a distance of time; and consequently, how little we are able to judge of a point of honour depending entirely on that precision. Much credit is to be given to captain Baillie's universal good character, as a man of honour and integrity. And therefore, it would be both cruel and unjust, to censure him on a matter, of which we have such imperfect accounts.

But, my lords, I have done with this negociation, and return to Greenwich hospital, and I ask whether captain Baillie is to be ruined for his attempts to redress the abuses of the charity over which he presided? Let me ask what are the crimes with which he is charged? Every witness examined, whether friend or foe, has certified to his reputation, as a man of morality and honesty; his services, as an of-

ficer, are admitted, and his zeal for the pensioners stands uncontradicted. The sole offence alledged against captain Baillie is, that he is a man of a vexatious temper, and of impracticable manners. These, if true, are faults most certainly; but they are such, as though they render society unpleasant, do not render a man criminal; and never, that I have heard of, have been assigned as reasons for depriving any person of his corporate office. Admitting, however, that captain Baillie is a man of that temper, and of those manners; before his being vexatious and intractable becomes a reason for punishing him in so high a degree, or perhaps, of punishing him at all, we ought to know, upon what sorts of matter he is vexatious, and in what sort of society he is intractable. Nothing in the world is so vexatious against abuses as strict enquiry. Nothing so intractable among gentlemen of easy morals, as a man of rigid virtue. I confess I do not know any thing that can be such a nuisance, as a man of stern and uncorrupt integrity, in a society made happy and unanimous by a participation of jobs, by mutual connivance, and the perfect equality among themselves that arises from a thorough consciousness, that not one of the company is a jot better than his neighbour.

I am perfectly satisfied that captain Baillie, whilst he did great service to the poor pensioners, did infinitely disturb the tranquillity of the officers; and all they who are of opinion, that the government of hospitals, as well as that of kingdoms, was made for the pleasure of the governors, and not the benefit of the governed, will think his conduct was atrocious. But such of your lordships, who may be of different sentiments, and who reflect, that the greatest reformers have rarely been men of the best tempers, will pity the imperfection of human virtue; and will think captain Baillie's moroseness rather the object of reprimand, than of the utmost punishment the Admiralty had the power to inflict. They ought to have commended and seconded his zeal, and exhorted him to more conciliatory manners; and not have deprived him of his office with disgrace, whilst they continue to employ, trust, and caress, a recorded cheat, who triumphs in the destruction of captain Baillie, who had the delusive victory of defeating him in a court of justice.

Whilst Mr. Mellish is enriching himself with all the contracts of the navy, I think

it behoves your lordships, who have been able to judge of their comparative merits, not to let captain Baillie starve. I shall not move that he should be restored to his office, I might be told that he has a legal remedy against his illegal removal; and I am sensible, that after all that has passed, he could not lead a happy life in Greenwich hospital. I only wish for him some provision, such as his Majesty shall think him deserving, such as the earl of Sandwich thought him deserving, subsequent to every complaint which has been alleged against captain Baillie.

I shall now submit to the Committee the following Report: It is moved, That the chairman be directed to report to the House,

"That the Committee have read the several papers referred to them by the House, and have examined several witnesses touching the affairs of Greenwich hospital.

"That it appears to the Committee, that abuses of various kinds have at different times crept into the management of the said hospital.

"That the Committee do not judge it necessary to trouble the House with any account of those which have been corrected, or with such as are either of small importance, or likely to meet with redress from the present constitution of the hospital.

"But the Committee think it their duty to lay before the House an account of some of the abuses which still subsist, and are worthy the attention of parliament, especially as some of them appear to the Committee to have arisen from provisions introduced into the new charter, and to require such remedies as the interposition of the legislature is alone competent to afford.

"That the principal abuses at present existing, come under the two following heads:

"First, The introduction of landmen, to a very great extent, into various departments of the government of this naval hospital, most of them in breach of the express provisions of the original commission, and of the present existing charter.

"Secondly, The refusal or neglect of redress from the different boards in whom the management of the hospital is placed, particularly in the general court, in appointing a partial and interested committee, to enquire into the complaints of

the lieutenant-governor, the unjustifiable conduct of that committee, and the illegal proceedings of the board of Admiralty, in removing the said lieutenant-governor from his office, without ever hearing him in his defence, or even so much as alledging against him any specific charge of misbehaviour.

"Under the First of these Heads, it has appeared to this Committee, that five of the present members of the council are not seafaring men, or such as have lost their limbs, or been otherwise disabled in the sea service, as required by the charter of the said hospital.

"That besides the above-mentioned five members of the council, there are 21 other persons who hold offices in the said hospital also contrary to the charter, (see p. 521.)

"That of the three matrons, now belonging to the said hospital, two of them are neither widows, nor daughters of seamen; while the widows of captains, in the royal hospital, have in vain petitioned for these appointments.

"That there are likewise 25 other employments, some of them very considerable and lucrative, which not being denominated offices in the house, may not fall within the express provisions of the charter, to be held by seafaring men; but as there is no art, or skill required for them, which a man who has served at sea may not be possessed of, it is contrary to the object and spirit of this institution, when seamen properly qualified can be found, not to give them the preference over landmen, who have no pretensions to the benefit of this naval charity, (see p. 522.)

"That the office of architect is the only one belonging to Greenwich hospital, to which it appears, that a seaman may not be competent. But it does not appear that such an officer is at all necessary. When new works are carrying on, an eminent architect, like an eminent painter, may be employed, without loading the establishment with such a permanent office, as is particularly pointed out in the commission, but entirely omitted in the charter. It is still less necessary for the hospital to have, as at present is established, two architects, Mr. Stewart and Mr. Mylne, under the different denominations of surveyor and clerk of the works.

"Under the Second Head.

"With respect to the court of directors, it appears to the Committee, That a most

shameful abuse existed for a very considerable time in the hospital, by the contracting butcher, Mr. Peter Mellish, supplying the poor pensioners with bull beef, and meat of the worst kind, worth only 14s. per cwt., instead of the best fat ox beef, for which he was allowed 32s. 6d. per cwt. And although the said Mellish was, in the year 1776, convicted in a court of law of this detestable fraud, in no less than ten instances, and was afterwards sued for fifty other breaches of his contract, which he was suffered to compound, yet the directors, instead of marking so infamous a cheat, by excluding him from all future dealings with the hospital, have ever since continued to give to the said Mellish fresh contracts for supplying the whole hospital with meat for a twelve-month, under an idea, as one of the directors deposed at the bar of this House, that although a man had been guilty of a fraud towards the hospital, yet if he offered to serve for less money than any other person, there was an obligation upon the commissioners and managers of the hospital to employ that man so convicted.

"It also further appears,

"That the practice of chalking off (whereby money is given twice a week to the pensioners, in lieu of meat and cheese) still continues to subsist, notwithstanding the unanimous representation of the council on the 9th of August, 1776, to the board of directors, 'That such practice is not only contrary to the establishment but injurious to the health and morals of the pensioners, and is attended with many inconveniences, improprieties, and irregularities, and ought to be totally abolished.'

"With respect to the general court, and the committee which they appointed, it appears,

"That the foregoing, and other matters of complaint, were in the printed Case of the Royal Hospital for Seamen at Greenwich, laid before the first lord of the Admiralty by capt. Baillie, the lieutenant governor, and afterwards on the 26th of March 1778, transmitted to the secretary of the Admiralty, to be by him officially laid before the board, with a request from the said capt. Baillie, that their lordships would be pleased to summon a full and general court of the commissioners and governors, according to the true intent and meaning of the charter, to whom he most ardently wished to appeal, and prove the charges therein contained; hoping that

to make such a court efficient, it might be advertised three times in the Gazette, as well as summonses sent.

"That a general court of commissioners and governors of Greenwich-hospital was accordingly called, but without such advertisements or general summonses, and sat at the Admiralty on the 14th of April 1778. At this court it was resolved, that, sir Merrick Burrell, Mr. Cust, Mr. Savary, Mr. Barker, Mr. Wells, Mr. James, Mr. Reynolds, should be a committee (of whom three to be a quorum) to investigate the grounds 'of the several charges contained in the above-mentioned book; and they were desired to proceed upon that business with all convenient dispatch, at such times and places as they should think most proper for the purpose; and when they had completed such investigation, to let the lords of the Admiralty know it, that another general court might be called to receive the report.'

"That capt. Baillie objected to the committee, as composed of directors, persons against whom his complaints chiefly lay.

"That notwithstanding his objections, the said general court appointed the said committee, consisting of the seven persons above-named, who are all of them directors.

"That capt. Baillie in his letter of the 18th of April 1778, to the said committee, protested against their proceedings.

"That notwithstanding the said protest, the said committee met at Greenwich-hospital, and sat seven days, but would neither suffer capt. Baillie to proceed in his own way to prove his Case, nor enquire into 'any matters respecting complaints against either the court of directors, the general court, the governor, board of admiralty, or first lord of the admiralty;' but confined their enquiry merely to such parts as respected the officers who had complained to the general court. And in the prosecution of this enquiry, the said committee suffered Mr. Morgan, as counsel for the said officers, to direct the mode in which capt. Baillie should proceed to make good his charges, frequently refusing to hear his witnesses.

"That no one member of the said committee attended the whole seven days which it sat, but that, nevertheless, a report of their proceedings was made to the general court, and signed by two of the members, who had sat as presidents, one of whom had been present only two days

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out of the seven; but declared at the bar of this House, that he had signed for the proceedings of the whole seven days.

"That at the general court of commissioners and governors, held on the 12th of August 1778, when the report of the committee was read, capt. Baillie in his letter of that day again protested against the proceedings of the said committee, as well as to their being constituted of directors only, and desired that the general court would themselves review the proceedings of the committee, offering immediately to produce before the said general court, witnesses and affidavits to prove every part of his complaints.

"That at the said general court, the following Resolutions were moved and agreed to, viz. 'That the several charges contained in capt. Baillie's book, which have been examined into by the committee appointed for that purpose, appear generally malicious and void of foundation, and tending to disturb the peace and good government of the hospital; and that a copy of the report of the said committee be, therefore, laid before the lords commissioners of the Admiralty; and that it be submitted to their lordships whether for the better government of the hospital, it may not be advisable to remove the said capt. Baillie from his employments of lieutenant-governor, and one of the directors thereof.'

"With respect to the Board of Admiralty, it appears,

"That on the 12th of August 1778, the same day on which the lords of the Admiralty received from the general court the report of the committee, and their advice to remove capt. Baillie, their lordships immediately resolved, "That direction should be forthwith given to sir Charles Hardy, governor of the said hospital, to cause capt. Baillie to be suspended from his employments, both as lieutenant governor and director, and one of the council of Greenwich-hospital, till further order."

"That the said capt. Baillie requested, by letter of the 14th of August, 1778, Mr. Stephens, 'to move the lords of the Admiralty, to direct that he might be furnished with a copy of the order by which he was suspended,' but could never obtain the same.

"That capt. Baillie in his letter of the 1st Dec. 1778, to the lords of the Admiralty, entreated to be restored to his station in the said hospital.

"That capt. Baillie, in his letter of the

8th Dec. 1778, to Mr. Stephens, 'requested that the lords of the Admiralty, or general court, would give directions that he might have a true copy of the report made at the general court on the 12th of August by the committee of enquiry,' but was refused the same.

"That on the 25th Dec. 1778, the lords commissioners of the Admiralty resolved, 'That the said capt. Baillie, for his misbehaviour, as stated in the report before mentioned, be removed from the offices of lieutenant-governor, one of the directors, and one of the council of Greenwich hospital.

"That capt. Baillie applied for a copy of the order for his removal, in his letter of the 30th of January, but could not obtain the same.

"That it does not appear that the said capt. Baillie ever was called, or appeared before the said board of Admiralty, or was ever heard before the said board, touching his complaints, or those made against him.

"That it appears to this committee, that the words of the charter by 'authorizing and empowering the board of Admiralty to displace, move, or suspend, any officer for his misbehaviour,' the said board could not legally suspend, or remove the said capt. Baillie from the offices of lieutenant-governor, one of the directors, and one of the council of Greenwich hospital, without imputing to him some specific charge of misbehaviour, and hearing him in his defence, neither of which necessary steps the said board appear to have taken on the present occasion.

"That besides what has already been mentioned, under the two heads of the introduction of landmen, and the misconduct of the several boards concerned in the management of Greenwich hospital, the committee have to observe, on the alterations which have been made in the charter from the original commission, transferring to the board of Admiralty the disposal of all employments held under the hospital, the recommendation of which, was by the commission placed in the general court of commissioners. This great increase of patronage to the Admiralty, which seems to have been the main object of the charter obtained in 1775, appears to the committee to be prejudicial to the good government of the said hospital, in as much as it creates a sort of mutual interest and connection between those who ought

to be kept entirely separate and distinct, the executive officers of the hospital, and those who should superintend that execution, in order to come at abuses when they exist.

"That the said charter also varies from the original commission in other, and no less material circumstances, both of insertion and of omission. New powers susceptible of abuse are inserted, and the old provisions prohibiting of abuse are omitted; two circumstances, which combined, appear to this committee of a very suspicious nature. The clause added being the creation of a power to sell, alienate and exchange the estates and effects of the hospital, and the clause omitted being a strict charge, command, injunction and requisition, that none of the said estates or effects should be diverted, used, or applied, or be in any ways applicable to any use or purpose whatsoever, other than the charitable purposes of the said hospital, or to defray the necessary charges relating thereunto.

"The committee see no necessity for these alterations, and are of opinion that it is better, when any material changes in the property of the hospital are intended, to have recourse to parliament for an act for such particular purpose, as was lately the case in an exchange of lands between the duke of Northumberland and Greenwich hospital.

"That in order to remedy the abuses before-mentioned, to confine this great naval foundation to the sole object for which it was first instituted, the benefit of seafaring men, and to restore the spirit of the original commission, from which the charter has essentially deviated, the judges be directed to prepare a Bill for rescinding the charter for incorporating the commissioners and governors of the royal hospital for seamen at Greenwich, bearing date the 6th of December, 1775, and for substituting a new charter in lieu thereof, restoring to the general court of commissioners and governors 'the power of recommending to the board of Admiralty all officers necessary to be employed in and for the said hospital, with directions to the board of Admiralty to employ all such officers, accordingly, except the governor and treasurer of the said hospital, with express provisions, that all such persons to be so recommended, and admitted into the said hospital, as officers of the house, or otherwise, be seafaring men, or such who shall have lost their

'limbs, or been otherwise disabled in the 'sea service,' as was directed by his Majesty's commission, of the 28th of May, 1763.

"That if any exceptions to this general rule shall appear necessary, the same may be specified in the said Bill.

"That no person shall be deemed a seafaring man, and as such, capable of being appointed an officer of the house, or of being lodged in Greenwich hospital, unless such person shall have, *bona fide*, served four years at sea, or shall have been disabled in the sea service.

"That all women employed in the hospital, as matrons, nurses, or otherwise, be widows of seamen.

"That none but such persons as have served as officers in the royal navy be members of the council.

"That the general court shall meet once in every month, or oftener, if there should be occasion.

"That the commissioners and governors shall in future consist of all the flag officers of his Majesty's fleet, and none other.

"That a certain number of the said flag officers shall attend by rotation, whilst they remain on shore.

"That all vacancies shall be recommended to be filled up by such of the members as shall attend the said general courts.

"That two of the flag officers, the governor, the lieutenant governor, treasurer, auditor, and senior captain, be a court of directors, for the purposes expressed in the late commission.

"That the board of Admiralty shall, at all times, have the inspection of the books containing the proceedings of the general court, court of directors and council, and shall retain the power given them by the charter, to displace, move, or suspend any officer, or officers of the said hospital, for his or their misbehaviour, not excepting the governor or treasurer.

"That, in consideration of capt. Baillie's having been illegally removed from the office, by the board of Admiralty, and of the zeal he has uniformly shewn in the course of 17 years that he has been in the said hospital, it is recommended to the House to address his Majesty, to confer on capt. Baillie some mark of his royal favour."

The Earl of *Chesterfield* rose after the noble duke, and made a reply founded on the evidence delivered on the examination in chief, in behalf of the parties charged.

He would not pursue the noble duke through the whole of his detail, but confine himself to the plain state of the circumstances which arose in the course of the examination at the bar. The noble duke had pronounced, that it was a thing proved, that the fire in the hospital came from the taylor's room. This was a bold assertion, since it must be in the recollection of the House, that sir John Fielding, who had enquired into the affair with infinite industry, and was perfectly adequate to judge upon it, had declared in evidence, that he thought it highly probable, that the fire broke out three or four rooms above; nay, that there was every proof that it did. Their lordships, in being influenced by such representations, were not directed in their judgment by the testimony that had been given at their bar, but by the *ipse dixit* of an individual peer.—The linen was the next subject of complaint and accusation. Had it not been proved, that the pieces of cloth, out of which the shirts and sheets were made, contained different numbers of yards, so that if the shirts and sheets were all made of the same length, there would be a loss of a considerable number of remnants which could be of no use at all? Whereas by dividing the pieces indiscriminately into an exact number of sheets or shirts, though indeed there might be a partial inequality in the lengths of them, yet certainly there could be no loss to the hospital, as by that device every part of each piece was appropriated to the purposes of the pensioners; and, indeed, it had been proved at their lordships' bar, that out of about 5 or 600 shirts, upwards of 100 yards of cloth had been saved by this frugal division of the pieces.—As for the stockings, there was only a temporary grievance, it existed only for a little time, and the person whose duty it was to see that the pensioners were properly served in that article, had been as industrious in applying a remedy to the evil as any one was or could have been; so that it was clearly only a casual misfortune, and not a misconduct connived at or introduced by a wicked combination of the servants of the hospital, for the purpose of defrauding the pensioners.—The beer, the next subject of complaint, it was granted had been bad, but the cause of that had been shewn to be only a temporary evil arising from the villainy of a person employed in the hospital, who was suspected, and with the greatest reason, of spoiling and corrupting it. But why should the House interest

themselves about grievances not existing? What was the assigned motive for their interposition? To give redress—a very good motive, if in this case it could exist, but in reality it could not, for the grievances themselves did not exist—(the beer, stockings, and shoes being at this time entirely to the satisfaction of all the pensioners)—and therefore this pretended motive had no longer reality in it. As for the grand matter of charge concerning Mellish, the butcher, he would only here again ask their lordships, if it became their wisdom to interpose for the correction of grievances not existing? The meat at present was extremely good; the pensioners were unanimous in giving it that character. He had been at Greenwich himself, and found it so. What then had they to redress?—The noble duke had dwelt very particularly upon the circumstance of lord Sandwich's having chosen some civil officers to employments in the hospital, who were not seamen. He begged their lordships in the first place to consider with themselves, if it was possible in the nature of things, that all the various offices in the hospital could be filled with infirm, lame, or aged pensioners, and therefore to consider whether or not it could have been the original intention of the institutors, that all the civil officers should be seamen—certainly not: and in the second place, that his lordship had put in fewer landmen than any of his predecessors. The noble duke had stated, that there were 54 landmen in the hospital; his grace could recollect that half of these were men appointed by the principals; so that the number actually chosen by the stewards of the charity would not amount to nearly as many as his grace had represented. He was very much surprised to hear the noble duke bring again to the recollection of the House the conduct of Mr. Baillie, in regard to the negotiation. No apology could exculpate him there from the dishonourable censure of being a babbler of secrets, a betrayer of confidential trusts. His lordship concluded with observing, that he should certainly object to the report, because it was grounded upon matters which had no existence or foundation.

The Earl of Effingham replied to the last noble earl, and met him almost upon every argument and fact, shewing, that his lordship had only stated one part of the evidence, and reasoned on it, as a defence which had been fully proved in every particular, without either endeavouring to re-

concile the manifest contradiction of the facts so stated to matters notoriously acknowledged, or the testimony of the several witnesses with each other. Here his lordship followed his noble leader step by step, observing, as he proceeded, where the witnesses had contradicted themselves, where they had been detected on their cross examination, and where they contradicted each other as to the same fact.

Earl Bathurst rose to point out the legal effect of the evidence delivered on both sides, and to establish this general conclusion, that most of the facts, if proved, presented nothing of any consequence, and the few that might be worthy of their lordships' particular attention, were plainly shewn to be ill-founded, and to have originated in the resentments and ungovernable disposition of capt. Baillie.

Lord Camden solicited the indulgence of the committee, for the trouble he was about to give them; and this request, on his part, became the more necessary, he said, on the present occasion, because, contrary to his usual habits and inclination, he found it necessary to investigate, pretty much at large, the present question, so far as it related to the original charter and commission, and the alteration made in the new charter in 1775. These, in his opinion, produced matter on which only the main question turned, as had been truly observed by the noble duke who made the motion.

The list of the abuses, which had been proved at the bar of the committee, presented nothing of sufficient consequence in themselves, farther than as their existence indicated their origin, the departure from the views and intentions of those royal and noble personages who were the first founders, and promoters of this charity; what those views and intentions were he should endeavour to point out, after he had regularly made his way to that part of the business.

The first matter, upon a transient view of the objects of enquiry, which struck him, was to examine into the abuses that had or do still exist. So far as the good regimen of the hospital, the distributive justice of those appointed to preserve and give it effect, formed part of the subject matter before the House, he had, for the present moment, very little anxiety on his mind. He granted, that mismanagements, when known and ascertained, ought not to be permitted to exist for an instant. That they had existed, he believed there

was not a noble lord present, however anxious he might be to justify the conduct of the noble lord at the head of the Admiralty, who entertained a doubt upon the subject. That many of the abuses had been remedied, appeared by the evidence of several witnesses examined at the bar; and he believed, and hoped, that such as came within the description of abuses still existing, would be redressed. All complaints about shoes, stockings, bull-beef, beer, &c. were at an end. If a larger sum had been given for repairing the painted-hall than ought to have been, the worst that could be said was, that it was a job, for the impropriety of which no individual was specifically responsible. So the matter rested in respect of several other heads of complaint. They arose from the constitution of the hospital, and the improper exercise or abuse of the powers created by the two charters. The mismanagements were not positive or original, but indicative. The charter did not say, employ landsmen in all civil offices in the hospital: it did not vest the Admiralty-board, or the first commissioner at that board, with the absolute and uncontrouled direction of Greenwich hospital, its revenues, and internal regulation and police: but if such a power was assumed, or exercised, if all check or legal interposition, between the Admiralty-board and the pensioners, was suspended or surrendered by the persons appointed to stand between the board and the pensioners; if, from this circumstance alone, this power falling into improper hands by delegation, to persons who might find an interest in abusing it, it would amount to this, that the mismanagements and abuses were the effect, and the usurped powers of the Admiralty-board the cause.

He was ready to acknowledge, that the first lord of the Admiralty was not the first author of this departure from the professed intention of those who framed the original charter. His lordship trod only in the footsteps of his predecessors, many of them as great, as worthy, and honest men, as ever adorned the annals of this country. As the institution grew older, it gradually deviated from its first principles; and, as far as he could understand, a great many years had intervened, since the powers of the court of directors and of the general courts answered any other purpose but to meet, deliberate, and determine, according to their ancient forms, but really only to carry into execution not what

might appear to them the most necessary and proper measures, but whatever the first lord of the Admiralty for the time being, no matter who, might think proper to direct. In this part of his speech, he said, he could not omit, without manifest injustice, testifying his highest approbation of the open and candid conduct of the earl of Sandwich; for while several of his noble friends, throughout the course of seventeen or eighteen days enquiry, had laboured with all those talents and great professional knowledge for which they are so justly distinguished, to prove that lord Sandwich had nothing at all to do in the business; that the council did this, the directors did that; and that the dismissal of captain Baillie was solely an act of the general court, in which his lordship acted rather officially than personally and specifically; the noble lord himself, when he came to his defence, as he very justly termed it, spoke out like a man; and, despising quibbles and evasions, and subtle refinements and distinctions, which were as much beneath his rank and dignity, as unworthy of his particular situation, in respect to the hospital, said the noble lord, "It was I improved the revenues of the Derwentwater estate almost double; it was I built a larger kitchen; it was I put the foundation upon such a footing as to procure conveniencies and support for the admission of two, instead of one thousand pensioners; till I had the honour of presiding at the head of the Admiralty, no more than 600 could sit down to dinner at a time, now twice that number can be seated with ease and dine in comfort."

From so indubitable a testimony as the noble lord's own words, he should argue upon it as so much incontrovertible proof, that the present management and regulation of Greenwich hospital was in the single hand of that noble lord; and from that very circumstance, shew, that the charter, if not grossly violated, had been imperceptibly departed from; and of course the present executive powers, exercised by his lordship, and several of his predecessors in office, were no more correspondent to the executive powers vested in the corporate body on its first formation, than absolute despotism, in the execution of limited powers, is correspondent to the constitution of a limited government.

The original charter and instructions to prince George of Denmark, in April, 1704, creates a corporate body, stiled the governors, general court, directors, &c. of

Greenwich hospital. Certain persons, some of the most noble and distinguished personages in the kingdom, are, by virtue of their respective offices, appointed governors and members of the general court. A council is constituted for the internal regulation of the hospital, who are to report every matter properly cognizable by the powers entrusted to them, to the court of directors, and the lord high admiral, or Admiralty-board, is invested with the executive trust, or superintendence of the whole; or, in other words, to give such directions as the constitution of the corporation authorises. It will be worthy of attention to see how far the executive powers growing out of this constitution have been properly exercised.

The charter says, that all civil officers, or, which amounts precisely to the same thing, that all officers who are to be appointed to places in the hospital, shall be sea-faring men, or persons who have been at sea, or disabled in the sea service. Here is a positive direction, describing the persons who shall be eligible. But several arguments have been resorted to, in order to shew, that this was not the intention of the original institutors of this noble charity. The very first establishment, formed in the November following, (1704) under the charter and commission for giving it effect, gives evidence of the direct contrary; the impracticability of sea-faring persons or disabled seamen to discharge the functions prescribed by such offices; and the usages of more than half a century, in the mode of electing the civil officers, afford so many proofs, that if it ever prevailed, it only prevailed in a few instances, and rather arose incidentally than from system; that men bred at sea, or disabled there, were totally unfitted by habit to fill many of the civil offices; and that there was not a single vestige in the records of the hospital, respecting any usage of the kind having ever been adopted or adhered to.

To the last of those he should first reply, that such an usage had existed, was incontrovertibly evident, because the records of the hospital shewed that the general court had continued regularly to recommend, and that the commission restricted the Admiralty-board to make choice out of the persons so recommended, who were nor could be no other than sea-faring men, or disabled seamen. He was equally clear, that there was not a single civil employment, within or with-

out the hospital, but two, which sea-faring men, not perhaps in all instances disabled seamen, were capable of filling; and he begged their lordships to reflect, how many species of naval military disability there may be short of rendering a man incapable of filling a civil office and employment: and here a thought struck him, which was, that the only two offices retained for the disposal of the crown, the governor and treasurer, which, as far as they respected (the latter indeed was out of the question) Greenwich hospital, were civil employments, a single instance had not been known in which either of those places had been bestowed on a landman by any one of the four princes who had sat on the throne since the year 1704.

The other point, which had indeed been pressed by the noble earl with great seeming eclat in what he called his defence, but what he should ever consider to be no more than the noble earl's speech, was, that out of the whole number appointed under the commission in November, 1704, to civil offices, 21 were landmen. He should be glad to forget that circumstance. He believed the noble earl knew nothing of that very suspicious business; perhaps Mr. Maule, in searching the register, might have done it hastily, or negligently; he wished, for the sake of that gentleman's character, he had been more careful and correct, but more particularly for the noble lord's own private satisfaction: but he confessed, he heard the noble duke's account of the minutes and register with astonishment, when his grace proved, as far as his enquiries went, or he was so fortunate to procure authentic documents, that five out of the 21 reported in Maule's list, proved not to be landmen but seamen, some of them of known and meritorious service.

His lordship having shewn the real intended constitution of the hospital, observed, that it contained the seeds of abuse and mismanagement in its very first formation. A great number of the first men for rank and quality in this kingdom, were constituted a part of the corporation; great officers of state, persons occupying certain posts under the crown, privy counsellors, &c. but no specific means had been provided either to enforce their attendance, or to compel the executive power of the hospital to give them notice by summons to attend.

He believed it had been agreed and ruled as law, that governors could not act

as visitors, or attend without due notice. If so, this was the real and true source of all the mismanagement which took place in the hospital, and of the total departure from the original charter; for if, on one side the members of the corporation could not attend, and on the other, the first commissioner of the Admiralty had it in his power to forbear to summon them at his pleasure, the evident consequence and effect were, that the first commissioner, or the Admiralty-board being invested with a power of summoning whom they pleased, it would at all times, and upon every occasion, be within the discretion and option of that board to controul the proceedings of the general court, and direct it to such purposes only as such a power wished to carry into execution.

The bringing back the constitution of the hospital to its first avowed and intended principles, was, in his opinion, a matter well worthy the interposition of parliament; no other power was competent to the task, and this consideration he said would conclude the first object of his rising, followed by this additional and cogent motive for urging the necessity of such a measure, the alteration or change made in the new charter granted in 1775.

This, perhaps, as to the proceedings previously, and in the means finally adopted, was one of the most extraordinary transactions that ever came before the British parliament. One of the witnesses at the bar, a Mr. Everist, a young man, who, from his own acknowledgment, was totally incompetent to the task, is desired to search an unfrequented dusty room, for a parcel of papers, of no description. Well, after sweeping off the cobwebs, what does he next do? He gathers a bundle of he knows not what, and gives them to a man, his partner, Mr. Sibthorpe, as much too old as he was too young; and this old man does something, of which he confesses himself equally ignorant. After the drudgery of the young man and the old man, some crude, indigested memorandums, of former inconveniences, stated to have arisen from some parts of the original charter, are presented to a Mr. Eden, a very worthy member of the other House, and auditor of Greenwich hospital. What then? From these precious documents Mr. Eden forms his opinion of what is right, expedient, and necessary, and presents it to the two first law officers of the crown, lord Thurlow, then attorney-general, and the present attorney. What do

they do? He presumed, looking upon the matter to be merely a matter of course, (for he had the highest opinion of their ability and integrity,) they make no observation of any kind, but add only, that the treasurer shall in future be obliged to give security for the trust reposed in him; and during the enquiry, it has come out in proof from the secretary, Mr. Ibbetson, that the noble lord at the head of the Admiralty knew nothing at all of the matter, a circumstance which could hardly obtain credit if it had not been so respectably authenticated; in which transaction, he begged permission to say, the noble earl had been extremely ill treated, his lordship, as he observed before, having taken the responsibility of every thing on himself, respecting the good management and government of Greenwich hospital. Mr. Everist looks for papers which no man desired him to trouble himself about; his partner draws up something, of which he knew nothing; Mr. Eden, upon this something, forms another something, which he lays before the law officers of the crown; and the law officers of the crown, without taking any notice of the subject matter referred to their consideration, make an amendment to the paper referred, by adding, that the treasurer in future shall be obliged to give security for the due and faithful performance of the trust reposed in him.

His lordship said, it was much to be lamented, that the first lord of the Admiralty had not been consulted, and his directions taken, in consequence of the instructions he would most probably have given, and that for many reasons, two only of which he should mention: one was, that the commission for the new charter directed that the law officers of the crown should have been applied to in the first instance, but they were not applied to; the other was, that he was sure the noble lord would never have consented to have the whole power of the governors, general courts, &c. transferred to the Admiralty-board, and consequently to the person of the first commissioner of that board. His lordship's strict attention to the duties of his office, and respect for the great seal, would have prevented the first, and his lordship's modesty the second.

His lordship then proceeded to comment on the new charter, and endeavoured to shew, that it went either to an abridgment of the powers vested in the corporate

body by the old charter, or to the confirmation of the powers usurped by the Admiralty-board; and particularly observed, that it took away the right of recommendation vested in the general courts, created new powers relative to the management, direction, and disposal of the revenues arising from the Derwentwater estates; and, ultimately and substantially, vested the whole of the deliberative and executive powers of the corporation in the first lord of the Admiralty. On these several grounds of abuse, as well as misuser of the powers first created, he was clearly of opinion, that parliament, and parliament only, were competent to reach and exterminate the evil in its inmost recesses, and once more relieve the most deserving body of men, the pride and glory of this country, its best bulwark, and last refuge in the moment of distress, from the accumulated oppressions and injuries they at present laboured under.

On the second point contained in the noble duke's proposition, he should content himself with a very few words. Captain Baillie had published a book; he scarcely believed there was any lord present who doubted of the truth of the most material facts therein asserted: if any such were present, he was not one of them; he was persuaded that they consisted of a very small number. In point of law, he would not undertake to defend every passage in captain Baillie's book; he might be intemperate, hasty, and not well-warranted in every minute circumstance. Some of the matters therein set forth might be libellous; but allowing the worst, and qualifying the most meritorious part of captain Baillie's conduct, he thought him a very deserving man; a man to whom his country was highly indebted; a man whom the present and future pensioners of Greenwich-hospital ought to look up to with gratitude, affection, he might add, veneration; no man merited it more, and he was sure, long after the present scene was passed, his memory would continue dear to every disabled or superannuated seaman, as long as the charity itself subsisted. What had captain Baillie done? He stood forth the seaman's friend, at the risk, almost at the certainty of his own personal ruin, and the overthrow of his private fortune. Convinced from every motive of justice, and every ground of reason and law, he endeavoured to recover those well-earned rights which the British seamen had been deprived of; resolved

to perish or succeed, he trusted every thing to the hazardous issue. In his zeal for the profession to which he belonged he committed almost every thing; he committed his present means and future prospects, in the very unequal contest with the first lord of the Admiralty and all those connected with the Admiralty-board, who, as he must know their dispositions, could have but little doubt of their ability to crush him. Like other reformers, he had fallen a victim to prejudice, party-rage, persecution, and self-interest. Like the first reformers, Lutlier, Calvin, and John Knox, though crushed, overlooked, or neglected in the contention, he would, like them, leave behind him not only a testimony of his zeal in a good cause, but demonstrate that he preferred the ease, comfort, and content of numbers yet unborn, to every motive which is supposed to govern the actions of the majority of mankind.

Having established fully the public merits of captain Baillie, and the vast obligations the public at large, and the navy in particular, owed him, from the native disposition of the noble earl, who had already offered that gentleman an equivalent, and his natural love of justice, therefore he presumed that his lordship would be one of the first to accede to the noble duke's proposition, for making a provision for that much injured officer; and the rather, as the noble earl, by all that he could perceive, had no reason to think differently of captain Baillie, since he pledged his honour, upon certain conditions, to procure an equivalent for him. If it was an act of justice at Christmas, it was so still; that it was, he had every reason to believe, because he would never suppose that the noble lord, from any personal consideration merely affecting himself, could be induced to make a public provision for an undeserving man. His lordship, after going fully into the conduct of the court of directors, relative to the renewing the contract with Mellish, the butcher, concluded his speech with expressing his hearty assent to the resolution moved by the noble duke.

The Earl of Mansfield said, he entered into the important discussion under consideration with some zeal, and was anxious to consider the question in all its parts. His lordship took within his view every particular head. He recapitulated the evidence on both sides. He opposed positive assertions to positive assertions. He

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distinguished what was positive from what was a degree short of it, or bordered upon conditional. He marked the difference between belief and persuasion, and persuasion and conviction arising from facts. And finally, went so far as to deal out measures of probability and possibility, and shewed how directly they preponderated in favour of the first lord of the Admiralty.

His lordship then proceeded to give an account of the whole proceedings in the court of King's-bench, and followed Mr. Morgan in every one of his *non prius* details, and that gentleman's arrangements, when employed by the persons charged in captain Baillie's book before the committee of directors in Greenwich-hospital, appointed to enquire into the foundation of the complaints stated in the said publication. He allowed, that Mellish, the contracting butcher, had been twice convicted in large penalties, for selling bull-beef, but his lordship had the candour and generosity to acknowledge, as Mr. Morgan well proved, that he alone (lord Mansfield) was the innocent cause of the last compromise; for, after Mellish, who he contended did not deserve to sit in the pillory for a fraud, as had been hastily asserted by the noble duke who made the motion, refused positively to agree to any compromise, but to try the issue, something had fallen from him (the noble lord) from the bench, which imparted a wish or recommendation to compromise the matter. Upon this hint, thrown out accidentally by him, both parties seemed disposed to agree; but so far from agreeing to pay ten penalties instead of a hundred, being a motive with Mellish to submit that judgment should be given in default for those ten penalties, it still remained a matter of great doubt with him, whether one of them could be legally recovered.

Much had been urged, on either hand, on two points included in the particular part of the enquiry, relative to the contracting butcher; first, respecting the difficulty of the proof relative to the bull-beef: secondly, the impropriety of continuing to deal with Mellish, after his supposed delinquency. On the first point he could only say, that Mr. Mellish's contract was to furnish the very best ox, or bullock beef, which, in a strict view, was almost impossible, in the opinion of those who were to use it; because the difference between the very best, a degree somewhat inferior, or middling, was very difficult to be ascertained; nay, according to the dis-

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tribution of legal justice, beyond the cognizance of the conscience of a jury. Persons who had formed their expectations on the very best, might deem that of a quality somewhat inferior, or the middling kind, to be bull, when it was really ox, and perhaps good ox beef. On the second point, that of continuing to deal with Mellish, after his first and second conviction, there were many good reasons. No complaint of any kind (witness the complaint in the infirmary) had been made against the contracting butcher since 1775; he had provided the hospital with the best of meat of every kind; he had offered or engaged for the lowest price; and of course, by the constitution of the hospital, became intitled to the preference; and his extensive dealings presented a security to the hospital, for the due performance of his contract, which it was not in the power of any other butcher to give.

His lordship, after having dwelt upon the contracting butcher, and very ably defended him and his friends, entered into the question, What light captain Baillie stood in before the committee? Capt. Baillie had published a book containing very serious charges against almost every person concerned in the government and direction of Greenwich-hospital, and had not been able to bring proof of a matter of criminal charge home to any one of the parties; so far captain Baillie was highly blameable; and when he made the charges he most certainly pledged himself to maintain what he affirmed, or tacitly consented to abide the consequences. But the learned lord who spoke last, said, he had a freehold in his office, and could not be legally removed but for an actual abuse in exercising of his office. No such thing was pretended, consequently his removal was unjust and illegal. If illegal, captain Baillie had a remedy, and should seek it; it was not competent to that House to interpose. The noble duke's motion, indeed, imported as much, for it could hardly be presumed that the noble duke would have moved for redress while the law lay open and presented the means of obtaining it. The truth was, captain Baillie had no freehold in his office; to prove which it would be only necessary to briefly state what amounted to such a tenure, which he looked upon to be of two sorts; namely, by a title under letters patent, or the King's commission for life, or during good behaviour. Was either the case here? Not at all; captain Baillie was appointed

by a warrant from the Admiralty-board, which at all times had a power of displacing or suspending him, whenever they thought proper. The same motives which gave birth to the appointment, would at all times justify the discontinuance of him in office: nor could he see that captain Baillie suffered any greater hardship in being dismissed, than he would had he never been appointed: his appointment was a favour, to which he had no claim, nor had he a right to complain when that favour was withdrawn.

His lordship again spoke to the constitution of the new charter, and made a long reply to lord Camden's argument, relative to the abridging of the popular powers vested by the original charter in the governors, directors, general court, &c. in which he laid down the following position: That the fewer hands power was placed in the better, and still the more so, if vested in a single hand, because he could be made responsible: whereas numbers combined together, are better able to perpetrate injustice, to shift from one to the other, to exclude detection and evade punishment, and influence, the crimes or injustice they have committed. For which reason, so far from disapproving of the alteration in the charter, by which the executive power of the whole body had become vested in the Admiralty-board, or the first lord of the Admiralty for the time being: he thought it a very great improvement. Heretofore, the Admiralty-board might throw the blame on the general court, or court of directors, and they back again upon the Admiralty-board; but by placing the whole of the executive power in the hands of the latter, they were made answerable as well for their own particular part, as for the general conduct, management and direction of every inferior department.

He said, the words of the charter would seem to support the noble and learned lord's interpretation upon a transient view; but it was not words, but what was the sense put upon those words, by prince George of Denmark, and his assistant counsel, that was to determine in the present instance; most certainly to appoint landmen to civil offices. His royal highness had appointed such men, by the evidence on the table; it appeared he had twenty-one on the first formation of the charity. He perfectly relied on what the noble duke had said, as to the five seamen, so far as the noble duke was inform-

ed; but, as a parliamentary document, he could never subscribe to it, or consent to argue upon it, as a parliamentary authority; besides, what did it prove, if granted in its fullest extent? No more, than that five out of the twenty-one, stated to have been landmen in Maule's list, were seamen, or sea-faring persons; the fair deduction from which was, that the other sixteen were landmen. His lordship then replied, with equal abilities and candour, to every legal objection started by lord Camden; and concluded with an eulogium on the virtues and transcendent abilities of the first lord of the Admiralty.

The question being put on the duke of Richmond's motion, the House divided: Contents 25; Not-contents 67. The 25 Contents were the following:

DUKES.	
Richmond	Radnor
Grafton	Abingdon
Bolton	Harcourt
Portland	Fitzwilliam
Devonshire	Spencer.
Manchester	Viscount.
Ancaster.	Hereford.
MARQUIS.	LORDS.
Rockingham.	Abergavenny
EARLS.	De Ferrars
Effingham	King
Pembroke	Ravensworth
Ferrers	Wycombe
Jersey	Camden
	Foley.

As soon as the question was disposed of, a secession of the minority members instantly took place; the duke of Richmond having given notice of his intention of leading the way: after which the three following motions were carried *nem. con.*

1. "That nothing hath appeared in the course of this enquiry, which calls for any interposition of the legislature, with regard to the management of Greenwich-hospital, or which makes the same necessary or proper. 2. That the Book which was referred to this committee, intitled, 'The Case of the Royal Hospital for Seamen at Greenwich,' contains a groundless and malicious representation of the conduct of the earl of Sandwich, and others, the commissioners, directors and officers of Greenwich-hospital, with regard to the management thereof. 3. That it has appeared to this committee, that the revenues of Greenwich-hospital have been considerably increased, the buildings much enlarged, and rendered more commodious, and the number of pensioners greatly augmented, during the time in which the earl of Sandwich has been the first lord of the

Admiralty, who has, upon all occasions, shewn great attention and impartiality in forwarding the true end of that noble foundation."

June 14. The Duke of Richmond said, he had a proposition to submit to the House, which, he doubted not, would meet their lordships' approbation. It related to Greenwich hospital; and as every one of their lordships, who had spoken or voted in the course of the enquiry into that noble charity, it might fairly be presumed, spoke from sentiment and voted from conviction, he had every reason to infer, that there would not be a second opinion relative to the propriety of his motion; because every noble lord being satisfied that he was right, would wish to make the evidence as much known as possible, and his grounds of conviction as prevalent in every other breast as they had been already in his own. Such, he said, were his motives and the foundation of his expectations, that although difference of opinion had been apparent throughout the whole of that business, the principle of personal justification, now alluded to by him, would be a principle of union applicable to the individual sentiments of every noble lord present. In order therefore to enable their lordships to judge of the grounds on which those resolutions rested, he should move, "That the Proceedings of the Committee appointed to take into Consideration the Affairs of Greenwich Hospital, together with the Evidence delivered at the bar of this House, be printed."

The Earl of Sandwich was desirous that the evidence should be printed, as, in his opinion, it contained a full justification of his conduct. He had all along expressed an earnest wish to have the matter made as public as possible; he had no reason now to adopt a contrary mode of conduct, and was therefore ready to concur in the motion. These were his avowed sentiments in the early stages of the enquiry, nor had he, at any subsequent period, the least reason for altering his sentiments. Such being his ideas, it could hardly be supposed, that he wished to put a negative on the motion made by the noble duke; on the contrary, there was nothing he more earnestly desired, could it be done with convenience, than to have the whole of the enquiry go out into the world. There were, as the matter struck him, but two objections; which were, that the evidence was voluminous, and that the ex

pence attending such a publication would be very heavy; but still, strong as these objections might appear, if it was the sense of the House, he thought those considerations ought to give way.

The Earl of *Denbigh* warmly pressed a compliance with the motion. Such a publication would do his noble friend (Sandwich) infinite honour and credit, as it would prove to the House the folly, or designed malice, in which the enquiry originated; not only the noble earl's innocence, but his high deserts respecting the management of Greenwich hospital, so far as he was concerned in its administration; and, finally, that he had not only fulfilled his duty himself, but had made the necessary arrangements through the lowest departments in the hospital.

The Lord Chancellor said, he had no manner of objection to the motion; on the contrary, he would have been extremely glad that the form of their lordships' proceeding in that House could have permitted him to give his assent to the noble duke's proposition. The real state of the matter, so far as it was connected with the present motion, was this:—a committee is appointed to enquire into certain matters; evidence is given at the bar, and the committee do not report it; the consequence of which is, that the House can take no notice of any thing which does not come to them through the medium of the committee. The evidence is not in being; the committee has already disposed of the contents, by not reporting; and it is now incompetent to the House to take the matter up *de novo*. The committee, it was true, reported three resolutions, which had been unanimously agreed to by the House. The House of course were in possession regularly of these three resolutions, and if their lordships thought proper, might give orders for printing them; but unless they travelled out of their established mode of proceeding, he was clearly of opinion, that consenting to print any species of proceeding whatever by the House, which had not been reported to it, would be extremely disorderly and unparliamentary. After what he had heard from the noble duke and noble earl, he could urge very little in point of argument but what he had already stated. But, allowing that the mere point of order were dispensed with, it would then rest with their lordships, to determine how far it would become the dignity and gravity of that House to print evidence which had

been already finally disposed of. Their lordships, it was to be presumed, were sufficiently informed of its nature before they proceeded to a vote. The three resolutions on the Journals was an open declaration of what the majority of that House thought of the matter, and it could hardly be supposed, that the noble duke wished a re-trial, or re-hearing, unless he could undertake to promise that he had fresh matter to urge. The public, besides, were not strangers to what passed on the occasion: the doors were open; the bar day after day crowded with strangers for several months. The enquiry had afforded matter of conversation without doors, and, he believed, it was understood pretty well for a full month before the decision took place, that the minds of the people were sufficiently made up to prepare them for what afterwards happened. As to the reasons urged by the noble earl who spoke last, that the agreeing to the proposed publication would be the best means of clearing the honour of the noble earl whose conduct had been one principal object of the enquiry, it was an argument in support of the present motion, to the truth of which he could never subscribe. The noble earl's innocence had been already made sufficiently manifest, for which, as well as the dignity of their lordships' proceedings, he for one could never consent to the motion made by the noble duke.

The Duke of *Richmond* examined the several parts of the learned lord's speech. He denied that his arguments were satisfactory or conclusive, even as to the mere point of order; because, to come to resolutions of opinion upon evidence not reported, they were not, in fact, resolutions at all, according to the received meaning of parliamentary language. The grounds of the resolutions, as well as the resolutions themselves, should have been reported, otherwise what grounds of assent or dissent had the committee to proceed on? None at all: they were mere resolutions of opinion, unaccompanied by a single fact or tittle of evidence. Whether this defect had been purposely permitted and passed over, in order to prevent the printing of the evidence, he would not undertake to say; but he would contend, notwithstanding the confidence with which the learned lord accompanied his assertions, that it was much more unparliamentary and informal to agree with resolutions unauthenticated, for such, in point of form at least, they must be considered,

the evidence not being reported, than refuse to publish or print the evidence because it was not reported; for such a refusal amounted fairly to this: the evidence ought to have been reported, but it was not; and as it has not, though it ought, we will avail ourselves of an informality we have ourselves been the occasion of.

His grace animadverted in a very pointed manner on the noble lord on the woolsack, and laughed at the affected candour of the noble lord at the head of the Admiralty. He said, the latter consenting, and the former opposing the present motion, was the effect of mere artifice. The noble earl could not decently rise to give a negative to the motion, after so frequently expressing an earnest desire of having his own conduct enquired into, and the charges contained in captain Baillie's book fully and openly investigated; but when it was found that the House were unanimously disposed to agree to the motion, out steps his learned friend from behind the curtain, and states his objections on the score of informality, and the irregularity of consenting to such a mode of proceeding.

The learned lord, and the noble earl who spoke before him, had taken it for granted, that all the complaints stated in Baillie's book had been disproved. He begged leave to contend, that every one of them, but one, had been clearly proved, and that one of little or no consequence. Notwithstanding the infinite labour, dexterity, address, and oratory used by a learned lord (Mansfield) on the night of the decision, he was too well acquainted with the learned lord's gravity and good sense, to suppose that his lordship would have made so laboured, and, apparently, studied harangue, to no manner of purpose. If the facts were so clear, so evident, the deduction so plain and conclusive, why mis-spend so much time, so much legal knowledge, in proving what already had, from the evidence, been incontrovertibly made out? No great sagacity was requisite to discover the cause. The people without doors not only retained their doubts, but a very considerable number of them did not hesitate publicly to condemn the decision. On this account, if upon no other, it became incumbent on their lordships, more particularly such of them as had spoke or voted on the occasion, to publish their reasons to the whole world, to satisfy their friends, and to confound their enemies, and shew that their conduct was justifiable, and that the evidence received ra-

ther went beyond than fell short of the resolutions moved in the committee. If conscious of having acted right, they ought to wish to submit to the public, proofs that they had not acted as an abandoned and corrupt House of Parliament, which was a language he had heard used on the occasion more than once without doors. He did not mean to say that such language was justifiable; but if, from political motives, their lordships had stopped or perverted justice, whatever might be the prescribed language current in that House, it would not be very easy to direct the public opinions out of it, or prevent the people from saying, that it was an abandoned House of Parliament.

He observed, that it had a very odd appearance, that the noble lord on the woolsack so repeatedly stepped forward, to controul what seemed apparently to be the sense of every side of the House. The noble earl in particular who had been pointed out as the principal object of the enquiry by the learned lord, had openly consented and urged nothing against the propriety of his motion but the mere objection of expence, yet the noble lord on the woolsack had set his face against the motion, and attempted to lead the majority of the House. It reminded him of what had happened more than once in the course of the enquiry, which was, that after the noble earl at the head of the Admiralty had said, 'By all means go on—I wish an enquiry—I care not how much my conduct is investigated—the more the better,' the learned lord, or some other trusty friend, instantly rose, and by starting some quibble or legal distinction, or some futile, exploded, or frivolous point of order, shifted the true ground of debate, in order to lead their lordships from the true question. This, his grace contended, afforded just cause of suspicion and pre-concert; and indeed it was difficult to recollect any of the principal proceedings in the course of the enquiry, without remembering frequent instances of what he now alluded to.

He had another motive for wishing to have the evidence printed, which was, that mankind might be enabled to form a judgment, he meant in order to estimate the weight of the arguments used by the noble earl who presides in the court of King's-bench. Here his grace made pointed observations on several of the learned earl's arguments, particularly respecting Maule's list of the persons who were stated in his report to have never

been at sea, though occupying civil offices in the hospital. This fabricated list he had fully proved, he presumed, to every one of their lordships, to have been founded in misrepresentation and falsehood; but what was the learned earl's conclusion from his proofs and clear detection of the witness? very novel and extraordinary indeed! Such logic, he hoped, as he should never hear again resorted to in an House of Parliament. Maule, in his list, made a return of 21 of those pretended landmen who had filled civil offices in the hospital. He himself made such an enquiry as the shortness of the time and the means of information would admit of; and had proved that five out of the 21 were persons who had been bred seamen, or had served at sea, and some of them had had rank. Oh! says the learned earl, Maule might have searched in an hurry, and possibly may be mistaken in the five instances alluded to; but that no more than five having appeared to be seamen, is a demonstrative, nay certain proof, that the remainder were landmen.

He was no less severe on that part of the learned earl's speech which related to his lordship's conduct respecting Mellish the contracting butcher, the alteration of the charter, and his lordship's avowed preference to an arbitrary instead of a limited power, being invested in those entrusted with the government of the hospital. The noble and learned earl had indeed stepped beyond the line which his prudence and caution generally prescribed, for he contended fairly and openly, that the fewer hands the management of Greenwich hospital was entrusted in, the better; and in a single sentence, at once condemned any controul or limitation of the power vested in the first lord of the Admiralty, but what his lordship's own good judgment might suggest; in short, individual responsibility was preferred to any interference or check which might be supposed to be lodged in the court of directors or general court.

His grace, after paying his compliments to a noble earl and a noble viscount (lords Chesterfield and Dudley) who had acted so commendable and zealous a part in behalf of the first lord of the Admiralty, entered into a long historical narrative of the Bill for preventing the sale of the clerks of assize places, and gave broad hints, that the noble lord on the woolsack had designedly made such amendments in the Bill, as his lordship foresaw would have

furnished those who secretly disliked the Bill, with a pretence for getting it flung over the table of the other House; and, as it literally happened, of being the cause of having it kicked out of that House into the lobby. This, he said, was indecent, and betrayed a want of that respect which the Houses owed reciprocally to each other; and though it would be very idle now to enter into any discussion of the subject, he doubted much if the other House, from ill-founded motives of jealousy, had not rather stepped a little out of their way to spend their resentment in what administered no just cause of offence.

The *Lord Chancellor* replied with great warmth; said he was above the insinuations thrown out by the noble duke; that it was his duty to rise and state objections to any informal proceedings going on in that House; that a sense of duty was what urged him to rise on the present occasion, as it did upon a former one alluded to by the noble duke; and asserted, that he never presumed to rise and controul the sense of the House, but in instances in which the form of their proceedings was about to be departed from.

The Earl of *Mansfield* made a reply in defence of his speech on the 7th instant, upon the several points respecting the charter, the affair of the contracting butcher, and said the noble duke's conduct was such, as that those who differed in opinion with his grace, were always prepared for what they were taught to expect.

The Duke of *Richmond*, in reply to what had fallen from the learned earl, contended, that he had truly and candidly stated the grounds from which his lordship's conclusions had been drawn. He was far from hinting, that the learned earl had talked nonsense, or was absurd, or of imputing his lordship's conduct to any bad motive. Of the latter he had no suspicion, and of the former no person could think higher of his lordship's abilities than he did. So much and no more, he was ready to grant; but surely the learned earl in the plenitude of his wisdom, professional knowledge, and great powers of oratory, could not lay claim to an infallibility which was denied to every other man. It was no proof surely of his want of respect, to give his lordship to understand, that his speech of the preceding Monday, was not quite so convincing, brilliant, and able, as his speeches were wont to be.

After throwing some degree of ridicule

upon the learned earl's claim to infallibility; he referred to several parts of the evidence which had been delivered at their lordships' bar, and the very novel and extraordinary arguments and conclusions which his lordship had drawn from it. He dwelt for a considerable time on the case of the contracting butcher, Mellish, and the several defences set up by his lordship in behalf of the directors for the renewal of that contract, after Mellish had been convicted of the most gross and shameful frauds. The noble earl had defended the contractor and the directors in a manner the most uncommon he ever heard. In the instance of the first conviction, his lordship supposed, that what was really and fully proved might not be true: and on the second conviction, that he permitted judgment to go against him, though he was conscious of his own innocence. But supposing, says his lordship, that Mellish was really guilty of what he had been charged with, the directors, by renewing the contract the third time with him, were justifiable, as they gave him an opportunity of retrieving his character. He had often heard, that to save a rogue from the gallows, was the way to have him cut your throat, but never before heard, that it was necessary to continue a connexion with a man convicted of cheating; merely to give him an opportunity of retrieving his character, or in other words, to give him a fresh opportunity of repeating his former frauds in the first instance, and a passport to enable him to cheat the rest of mankind besides. His grace insisted, that it was the duty of the directors to have immediately set their face against Mellish; and their failing in the performance of it, furnished a most dangerous example to every person connected with the hospital, and was little short of a professed invitation to cheat, under the protection of those to whom its management in the several departments was entrusted. He said such an open encouragement to public rapine and fraud, was replete with the most mischievous consequences; and enabled the man thus protected to become a monopolist, and of course a public plunderer, to any amount, having the market entirely in his own power. He had lately heard of an instance which confirmed him stronger in the truth of what he had now asserted, respecting this Mellish; which was, that having found that a person had entered into a contract for supplying the demand of government

at Portsmouth with fresh beef, he had offered 500*l.* to the contractor, though he accepted the contract upon lower terms than he did, merely to prevent him from being connected with government. He was not then in possession of the proofs, but he undertook to bring proofs of it early in the next session of parliament. His grace adverted to a great many passages in the learned earl's speech, particularly the false return made by Maule of persons appointed to civil offices who had never been at sea. He observed on several provisions in the first charter, which were omitted in that of 1775; and, in short, went through the whole of the learned earl's speech, and confuted his lordship's law doctrines.

His grace observed on the political conduct of the learned earl who spoke last, and repeated, that he was fully convinced of his lordship's very great abilities; he knew they were indeed very powerful, and his country had just cause to lament that they were. It was to those abilities, to those delusive expressions of the noble earl, that "we had passed the Rubicon," that "the sword was drawn, and the scabbard thrown away," that "the whole continent of North America, by a fiction in law politics, was represented as completely as the county of Middlesex, in the British parliament," and "that if we did not kill the Americans they would kill us," which formed the true cause of all the calamities that this country now felt, or was threatened with, as well as all the miseries and distresses under which every part of the British empire laboured.

The Earl of Mansfield charged the noble duke with misrepresenting what he said, relative to Mellish the contractor. The noble duke had given to him a kind of argument, which he had never urged; the noble duke, among the variety of things which he chose to select out of his speech for the purposes of controverting them, had imputed to him a declaration, that the reason of the board of directors having contracted again with Mellish after his conviction, was to give him an opportunity of retrieving his character; on this the noble duke had reasoned pretty largely, and had triumphed not a little. Unfortunately the noble duke's triumph was groundless—he had never used the argument, nor any thing like it. He was in the recollection of their lordships, whether his argument was not diametrically opposite; in talking of the reasons that

might influence Mellish to seek a new contract with the hospital, he had, among other things said, that probably he might wish to retrieve his character with the hospital; but he had never suggested an idea, that it was the reason which prevailed in the minds of the directors to contract with him afresh. In justification of their having done so, he begged to bring to the recollection of the House what had been said by Mr. Cust and Mr. Marsh, both of whom had deposed that the contract of Mellish was cheaper by 300*l.* than that of any other person, and that his contract was so cautiously guarded, that if the servants of the hospital did their duty, it was impossible for any new fraud to happen; and he had added, that by the concurrent testimony of captain Baillie and Moore, the cook, there had not been the smallest complaint of bad meat at the hospital since June 1775.—As to the expressions which the noble duke had repeated, concerning what fell from him some years since, on the subject of the American war, he was exceedingly obliged to the noble duke for having mentioned them, since it gave him an opportunity of explaining what had been most grossly misrepresented, over and over again, both within doors and without. The expressions were not used by him on one and the same occasion. When the Boston Port Bill came before that House, and their lordships were debating it, he had troubled the House with his sentiments upon it. He had discussed the alternative at that time under consideration, whether it was more wise to give up the colonies, or to endeavour by a system of coercion to recover them, and bring them back to their allegiance and dependence on this country. He had taken the argument in both points of view; he had said, “If this Bill pass, your choice is over, and your election made; you must go on, you will have passed the Rubicon.” This was the mode in which he used the expression; he had not said, “We had passed the Rubicon.” The other expressions he had dropped long afterwards, during the war, on the Prohibitory Bill, and on a motion for a cessation of hostilities. On those, and several other questions as they arose, he argued upon the existing circumstances at the time; “Great Britain at war with America, the Americans in arms, and acting in a hostile and offensive manner against this country,”—having so stated it, he had quoted an address made by

Gustavus Adolphus to his soldiery; an address well known, “There is the enemy, if you don’t kill them, they will kill you.” It had been his opinion at the time; it was his opinion now;—and why?—There must be two parties to the making of peace; it was not enough for one of the contending powers to be willing to end a war, the other must consent to end it likewise.

After some further conversation, the House divided on the duke of Richmond’s motion: Contents 18; Non-Contents 43.

Debates in the Lords on the Adultery Bill.] March 11. The Bishop of Landaff (Dr. Shute Barrington) rose to propose a Bill “for the more effectual Discouragement of the Crime of Adultery.” The learned prelate introduced this Bill with a feeling and eloquent exordium. He represented, with great pathos, the private miseries consequent on such offences, and the misfortunes to the state from a cause which became so much the more dangerous, from its being a domestic one. In the more ancient annals of our country, this offence has been much less frequent, because punished with greater severity; and it was remarkable that in the 17 years of his Majesty’s reign, whom he might pronounce, without fearing the imputation of sacrilege, as exemplary a prince as any of his predecessors, there had been as many divorces as had happened during the whole history of the country put together, since its transactions had been submitted to written record. There were two reasons for this: the total extinction of the internal monitor of shame, in the present period, which had been felt by our forefathers with its due force, and kept them from the commission of an offence wherein that sensation was most particularly appealed to. The other reason was, an injudicious mitigation of the penal laws with regard to the commission of this crime. By the common law of England, no woman after a divorce was permitted to regain her dower, nor to marry again within a limited time. A method of evading this salutary statute had been discovered by making previous settlements, or by entering into private bonds; so that a woman might now enjoy as many conveniences of rank and situation after a compelled dismission from her husband, as after a separation from him by the hand of providence, and in a situation

when she had merited every thing by her conjugal tenderness and fidelity. The learned bishop presented his Bill, which was read the first time.

March 30. The Bill was read a second time.

The Earl of *Effingham* objected to its commitment. He believed it to be totally inadequate to the purpose proposed, and that no possible reformation was likely to be the consequence of it. Instead of prohibiting the parties offending from marrying within a prescribed period, in his opinion, the most effectual punishment would be to compel them to an immediate marriage, within twelve hours after the decree of their lordships pronouncing the divorce.

The Bishop of *Landaff* said, it was not by any means his expectation, to eradicate an evil of so confirmed a kind; but though the effort he had now made, might not prove adequate to the entire removal of the offence, yet if it contributed to stop the growing mischief, and to produce only a partial cure, it would not be without its advantages. He reminded the House of the shameful height to which the vice of adultery had risen amongst us, and especially in the higher ranks of life, to the great misfortune of some of the first families in the kingdom. He explained his intention to be that of fixing a brand of infamy on an adulteress, that might operate as a terror upon the mind, and prevent the so frequent commission of the crime.

The Earl of *Carlisle* thought that no penal statute could reach a mere immorality. The injunctions of a higher judicature were the laws by which such offenders were to be corrected; and if persons so far forgot their duty as not to be intimidated by the precepts originating from that superior authority, he did not suppose they were capable of being affected by any other interposition. It was in his opinion unjust, that the weaker offender should be considered as the greater culprit. The man was to escape punishment by this Bill; all was to fall on the unfortunate woman, who generally possessed stronger inclinations, without an equal power of imposing that restraint of thought, and reasoning, concerning consequences, which the learned prelate had held out as the only protection against the offence.

The Lord Chancellor spoke with peculiar feeling, strength, and argument. He

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said the matter immediately before the House was, whether or no they would take into their consideration a method for the more effectually preventing the crime of adultery? That was the appellation ascribed to the Bill; and if they rejected it, they pronounced in form, that they were not disposed to put any restraint at all upon this abominable practice. Whether or no the means prescribed in the Bill were likely to prove adequate to the purpose, would be a subject for inquiry when the House should be in a committee upon it; at present, the plain question was, Do you, or do you not, think it worth your while to interpose by some method for the prevention of a crime that not only subverts domestic tranquillity, but has a tendency, by contaminating the blood of illustrious families, to affect the welfare of the nation in its nearest interests? The Bill went generally to all mankind, to every husband and father in the kingdom; but it concerned their lordships more than any other order of people. A due regard for his posterity was to every man a near and dear object; to nobility, the most important to which they could possibly advert. He begged the House to recollect, that the purity of the blood of their descendants, was, and must necessarily be, an essential consideration in the breast of all the peers of the kingdom. Every attempt to preserve the descent of peers unstained and perfectly pure, merited their immediate attention; for his part, he declared, he saw the importance of the Bill to the peerage so clearly, that if he had the blood of forty generations of nobility flowing in his veins, he could not be more anxious to procure it that assent and concurrence, which it deserved from their lordships. He did not agree with the noble lord who spoke last, who had said that adultery was a mere consideration of morality, and was not altogether a subject of human legislation. He observed, that when immorality went so far as openly to disturb the order of civil society, it was then necessary in every civilized state for the legislature to interfere. On the whole, he hoped the Bill would go to a committee, because none of their lordships disputed the principle of it; the only objection was to the severity of one clause; and that might be debated in the committee. For his own part, he thought it a very proper clause; for it appeared to him to be the only method of putting a stop to those shame-

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ful intrigues we daily heard of, of paying addresses (called honourable) to married women, and promising, nay even entering into contracts to marry them as soon as they can be divorced. The infamy to which the woman would be driven, might, it was said, occasion her to be a common prostitute; or it was possible she might marry some other man instead of the adulterer. These arguments had no weight with him; for if any man could be so mean as to marry a woman under such circumstances, he must take the punishment for his pains. But as it was chiefly among persons of high rank that this crime had prevailed, and occasioned great confusion, he thought no infamy too great to be inflicted on the adulteress, who now, by means of a divorce and marriage with the guilty man, boasted her reception again in the circles of the great and virtuous.

The Earl of *Effingham* said, that the means adopted by the Bill for the prevention of the crime was, in his opinion, the circumstance of all others the most likely to increase it. The woman was to be precluded from marrying with the gallant on whose account she had been legally divorced, and yet permitted to enter into the matrimonial bond with any other person. If she should, would she not still be liable to those temptations that had originally seduced her, and be led into a repeated commission of the crime with her first favourite?

The Duke of *Richmond* also spoke on the same subject, and affirmed that no other remedy could possibly be devised for the evil but this, that no divorces should be permitted at all. Men, in his opinion, were more guilty than women, and it was most frequently the husband's cruelty or neglect that was the source of the wife's infidelity.

The Bill was ordered to be committed on the 15th of April.

April 15. The House went into a Committee on the Bill.

The Earl of *Effingham* renewed his objections to the Bill, on the ground of its not being competent to cure the evils which it intended. He said, that when immorality arose to such a height as to require political interference, great care should be taken that that interference was sufficient; he therefore begged, as he had many amendments to make to the present Bill, which the preamble standing would make nugatory, to postpone that part for

the present. [The question was accordingly put, when the preamble was postponed.] His lordship then observed, that as the Bill at present was to prevent the criminal parties from ever marrying one another, he would amend that part, by obliging them to marry one another, and nobody else. His lordship urged the propriety of the alteration, by shewing the inconveniences of this part of the Bill in its original state, and the restriction this amendment would have on the criminal parties, who, under the strong influence of unlawful passions, could be restrained by nothing so much, in his opinion, as the dread of being obliged to marry that woman who would permit herself to be debauched.

The Bishop of *Landaff* said, he could hardly think the noble earl serious in this objection, and therefore would make no answer but by referring him to experience, and desiring him to recollect how ineffectual such a method had hitherto been towards nipping the growth of this thriving evil. He defended the principle of his Bill, which he said he had drawn up with the most studious attention; that at the second reading he had further explained the motives which induced him to frame it, rather as an intimidating law than as a law inflicting punishment; and on that occasion the noble lord on the woolsack had so ably and satisfactorily pointed out not only the expediency of some remedy being applied to stop the progress of this fashionable evil, but likewise the sufficiency of the depending Bill; that he should not take up the time of the House by advancing any more arguments in support of it, but before he sat down he thought it necessary to observe, that the Bill had been arraigned as partial, because it imposed the severest punishment on the weakest party. In answer to this, he had only to say, that he was justified by the common law and the ecclesiastical law of the land, both of which, indeed, in this case had grown into disuse, through modern politeness; but if this Bill should be found inadequate, he would study some other more severe in its penalties; and he would call upon their lordships, as they wished to preserve the purity of their own noble blood, and to transmit their honours and estates to their own posterity; as the guardians of the liberties, civil and religious, of the people, both of which were invaded by this crime; in fine, as the friends of their country, which, if once it

was sunk in dissoluteness and abandoned immorality, would soon fall an easy prey to corruption and slavery—to support him in this important duty,

The Bill then went through the Committee, was reported, and passed the Lords on the 19th.

Debate in the Commons on the Adultery Bill.] April 19. The Bill for the more effectual Discouragement of the crime of Adultery was brought from the Lords.

Mr. Fox hoped gentlemen would attend to the Bill, and not let it pass unnoticed. He acknowledged that adultery was prevalent to an alarming degree, and divorces more frequent than ever, but begged the House would not, from their idea of the heinousness of the crime, be induced to think, that every mode of preventing it that should be suggested, was fit to effect the purpose. The present Bill might, upon discussion, be thought not only inadequate to the end it aimed at, but a matter more likely to encourage and increase, than check adultery.

Lord Beauchamp spoke on the same side. His lordship observed that there had been a Bill of a similar tendency brought into that House some few years since; which was suffered to lie on the table unnoticed for three weeks, and would not have been at all attended to, had not a reverend prelate sent for an hon. gentleman, now no more, who had a seat in that House, and requested him to move for its being read, and after a full discussion the Bill was rejected. The principle of that Bill and the present were pretty much alike, they both went to punish the women, and not the male sex, who, generally speaking, were most to blame. Exclusive of this objection, his lordship said there was another which struck him very forcibly respecting the present Bill, and that was, it went not only to punish the offending woman, but if that woman happened to be with child, to punish the unoffending issue by bastardizing it when it came into the world. This effect of the Bill his lordship reprobated as most unjust and inhuman.

Mr. Montague said a few words on the necessity of discussing the matter fully, as the Bill, if passed, would be a fresh penal statute, and repeated his motion, that a day might be fixed on for the second reading.

Lord Nugent declared, he did not consider the present bill as a bill of pains and penalties, nor did he see it in the same

light with the noble lord. That in his idea, the great and real cause of the progress of adultery, was that abominable statute, the Marriage Act, a Bill that struck at the root of personal freedom, and which was first brought into parliament to tickle the vanity of some noble lords in the other House. His lordship, in a very ludicrous manner, examined the effects of the Marriage Act, declaring it to be a wretched piece of policy, tending to prevent an union of willing hearts, and to hinder young girls from giving their hands to such hearty young men as they could like and love, in order that miserly parents might couple youth with age, beauty with deformity, health with disease. To the Marriage Act, and that alone, he attributed all the family uneasinesses, all the quarrels between man and wife, and all the disobedience of children to their parents, that had been so remarkably conspicuous since the passing of that Bill into a statute. The present Bill he viewed in a very different light from that in which it struck the noble lord. It did not appear to him to be near so objectionable as the former Bill which had been alluded to. Neither was he of opinion that a penal statute against adultery would have any more effect than a penal statute against smuggling. He complimented the ladies of England, by saying that he was sure there were more good women, more chaste wives, and more happy mothers in this kingdom than in the whole world, Ireland only excepted [a loud laugh], and declared that much to the honour of Ireland, he had found upon enquiry that there never had been but two instances of divorce before the Irish parliament.

Mr. James Luttrell gave his reasons for dissenting entirely from the present Bill. A principal reason was, that it aimed chiefly at the weaker sex, and did not at all go to punish the men. He took occasion to draw a comparison between the conduct of ministry respecting America, and the tendency of the Bill respecting women; declaring, that the quarter it came from rendered it in his eyes liable to suspicion; had it been brought in by those two worthy prelates who had done themselves so much honour by opposing measures tending to promote the further effusion of human blood, he should have thought it was founded in meekness, Christianity, and justice, with neither of which the Bill as it then stood, was compatible.

The Bill was then read a first time.

May 4. Mr. *F. Montague* moved for the order of the day, for the second reading of the Bill. He stated the necessity of proceeding on the Bill from a comparative view of the number of divorces of the present and former times, observing, that from the Reformation to the beginning of the late reign, there had been only 15 divorces on the records of parliament; during that reign there had been 22; from the commencement of the present reign to the present session, there had been 42; and the table of the other House was now covered with applications of that sort, besides those passing through that House. From all which he urged the necessity of a law for the prevention of a crime which so much disturbed domestic peace and civil society.

Lord *Beauchamp* first opposed the second reading on account of the thinness of the House, and afterwards on account of its inefficacy to the purpose for which it was intended; and for its inequality in punishing the female transgressor only, without inflicting any punishment on her male co-offender. He thought the principal clauses of the Bill inverted would answer a better purpose than in their present state. He attributed the increase of adultery, and of course divorces, to the Marriage Act, which laid young people under such restraints of parents and guardians, as to be compelled frequently to marry against their inclinations, which brought on these infidelities.

Mr. *Fox* entered into a long discussion of the Bill, the preamble, its contents, and tendency; he took it up on the doctrine of non-representation, which he said had been so many years agitated in that House; he averred the ladies to be totally unrepresented, therefore entitled to the most tender treatment, in cases where the sexes were to be distinguished. He then inveighed against the Bill in its present form, as unequal, unjust, and tyrannical, tending to do more hurt than good, by preventing the fair delinquents from making the only atonement to society in their power for past errors, and driving them to become common prostitutes.

Sir *G. Yonge* opposed the Bill as nugatory and ineffectual.

Sir *Adam Fergusson* traced the laws of the Romans and other nations, respecting adultery, and drew a general conclusion from them all, that it must be founded in reason and the nature of things, what all civilized nations agree in, to make laws

for the prevention of adultery: he strenuously supported the Bill.

Lord *Ongley* ridiculed the idea of ascribing the increase of adultery to the Marriage Act, which he said was founded in wisdom and prudence. He told a story of a commission appointed to enquire of the Goodwin Sands: no intelligence could be found; at last the commissioners applied to a very old man, who said he remembered the building of Tenterden church, and ever since the steeple of that church had been reared, the sands had been growing up, so that was the cause of the Goodwin Sands. He might as well say, that the increase of adultery had been owing to the building of Westminster-bridge, because many assignations have been made upon that bridge. However, there were few men but what were shocked at the idea of marrying a whore, though they might be pleased with a temporary engagement; and probably the learned prelate who brought in the Bill might never live to see three more marriages of that kind, of the adulterer marrying the adulteress. The French had contributed not a little to the increase of divorces, by the introduction of their *petit maitres*, fiddlers and dancing-masters, who had been allowed to teach our wives and misses to *allemande*, and to twist and turn them about at their pleasure. The noble lord condemned that clause of the Bill, which were to prevent an adulterous wife from marrying at all one twelvemonth after a divorce, as it could only oblige her to live for a year in a state of fornication; and he was farther of opinion, that the occasion of adultery was in the men, and not in the women, and that the former, if any, were the object of punishment.

Mr. *Moysey* supported the Bill. He insisted this was not so much a question of speculation as of public justice: that the Bill had no farther object in view than was intended by every Divorce Bill that ever passed, if the legislature could have been asked their intentions, which was to disgrace the offending party; that such effect having lately been defeated, it was become absolutely necessary to put divorces on a better footing, or to stop them entirely. That it never could be, nor ought it to be, the intent of the legislature in passing a Divorce Bill to benefit the adulteress, and put her in a better situation than she was in before such Bill passed. That by marrying the adulterer she did put herself in a better condition, and sheltered herself

from that disgrace in which the legislature found her; for before such Bill passes she is a divorced woman, for adultery, by sentence of the ecclesiastical court, deprived of alimony and unable to marry at all; but the Divorce Bills, in the present mode of passing them, enable her to run into the arm of the adulterer, in defiance of the old law of this country, with her dower at her back; for she was always sure of a provision from the legislature, and frequently too great a one. He shewed that the idea of permitting the innocent party alone to marry was not new, but founded in the old canon law, and had been adopted by our own acts of parliament; and he cited the canon law to shew that a woman was not formerly permitted to marry the adulterer, even after the death of her husband. He answered many of the objections that had been made to this Bill, and in particular to that of the partiality of the law in punishing the woman and not the male offender. He said it had been the practice of all ages, and almost all countries, and that confining the disgrace of incontinence so much to the woman was founded in necessity, and not incompatible with the true intent of the sex; for all penal laws upon the men must ultimately depend for their efficacy upon the women. And as to the latter, if the reproach of incontinence was confined to them, the palm of virtue and chastity was confined to them likewise. That the trial is not upon their strength, and whilst they are protected against force, they would be ready and willing on their parts to guard themselves against intrigue and seduction. That penalties upon the male offenders in such cases would be an injury to every virtuous woman in the kingdom, and would detract from her merit; neither would it be a bit more desirable to the husband, who would wish to owe his security and happiness to his wife alone, not the forbearance of men, or penal restrictions put upon that sex. He concluded strongly in favour of the Bill.

The question being put, that the Bill be now read a second time; the House divided:

Tellers.

YEAS	{ Mr. Frederick Montagu - - }	40
	{ Sir William Guise - - - }	
NOES	{ Lord G. H. Cavendish - - }	51
	{ Sir George Yonge - - - }	

So it passed in the negative: and it was ordered that the Bill be read a second time upon this day four months.

Debate in the Commons on the Bill to vest the sole Right of printing Almanacks in the two Universities.] April 16. Lord North informed the House, that the right of printing Almanacks had, for upwards of two centuries, been enjoyed exclusively by the two universities of Oxford and Cambridge, and the company of stationers. That the right had been exercised in consequence of certain royal grants, which had till very lately been held to be full and legal authority. That the stationers' company, carrying on a trade in Bibles, Psalters, and Almanacks, had for a long time been the sole venders of the latter, and had paid the universities of Oxford and Cambridge an annuity of 500*l.* each, for the transfer of their right to print Almanacks. That the two universities had employed this sum for the benefit of learning, having printed a number of books useful to students. That it was owing to this annuity, that such elegant editions of the Bible, Common Prayer Book, &c. came from the presses of each university. That within the last three years, a private stationer had thought proper to combat the right of the stationers' company, to print Almanacks to the exclusion of other traders. That the matter had gone through a long course of litigation, the issue of which was, that the courts had determined that the right was not legally vested in the company. The stationers' company, therefore, having their own title set aside, and imagining the title of the two universities was equally precarious, as it originated in a similar manner, refused any longer to pay for, or exercise the right of printing Almanacks, supposed to be vested in the two universities. The loss of these annuities, his lordship described as a matter which would be extremely inconvenient to the universities, and prejudicial to the cause of learning. He pointed out the propriety of allowing, in this case, that the right of printing Almanacks should be legally given to those who had so long enjoyed it without abuse, and who had, by a variety of court decrees, been led to imagine, that the grants under the authority of which they exercised it, were competent to empower them to hold the right exclusively. He concluded with moving, That leave be given to bring in "A Bill for vesting the sole right of printing Almanacks for the time to come in the two universities of Oxford and Cambridge, and the company of stationers respectively."

Mr. *Turner* said he saw no reason why the stationers' company should have an exclusive right to print Almanacks more than any other person. He did not like the motion, because it tended to introduce a novelty, and to authorise a monopoly. He had not any wish to deprive the universities of Oxford and Cambridge of an advantage; on the contrary, he thought they deserved every encouragement which the legislature could give them, but he did not see that the present motion tended to procure them any material benefit; 500*l.* was too paltry a sum to warrant the creating a monopoly in a trade which ought to be open. He had much rather that the sum, if necessary for the sake of public learning, should be paid specifically to each university for that purpose, out of the public money. Indeed, the universities might themselves save it out of their respective revenues annually, by only putting up a chimney-piece less every year, or checking the increase of their architectural ornaments. The universities were two of the richest corporate bodies in the kingdom, and therefore could not be affected by the loss of such a trifle as 500*l.* a year each.

Mr. *T. Townshend* begged leave to set his hon. friend right; the two universities of Oxford and Cambridge were very far from being the richest corporate bodies in the kingdom; on the contrary, they were not even rich. He commended the motion, thought it extremely proper, and hoped it would meet with no opposition.

Mr. *Jackson* (counsel to the board of trade and university of Cambridge) urged the utility of Almanacks, and the necessity of their being printed under authority, and in such a manner as to render them the vehicles of authentic information. He enlarged on their import to literature and to religion, declaring that the liturgy was scarcely intelligible without them; he mentioned, that several old statutes in the days of Henry 6, enforced the observance of certain religious fasts and festivals under very severe penalties, and that it was impossible to ascertain the moveable fasts and feasts without a correct Almanack. He concluded with remarking, that the careful preservation of the liturgy was properly vested in the head of the church, whence he argued the analogous wisdom of vesting the right of preparing and printing Almanacks in the two universities and the stationers' company.

Mr. *Dempster* said the noble lord's de-

claration, that the voice of law had proclaimed the exclusive right of printing Almanacks illegal, was to him a sufficient ground for objecting to the motion. That, added to this, he thought it highly unjust to deprive an individual, who had put himself to the trouble and expence of a lawsuit with an opulent body of men, of the enjoyment of that right which the laws of his country had declared he was warranted to exercise. That, instead of incurring a loss for his public spirit, the individual ought to be rewarded and encouraged, for having laid open a trade, which had for so long a period as two centuries been illegally monopolized. That all monopolies were odious and unjust; and although he did not wish to deprive the two universities of Oxford and Cambridge of 500*l.* a year each, he could not consent to agree to a motion for a Bill, authorising the stationers' company to hold the trade of manufacturing Almanacks exclusively, the profit of which every individual stationer had a right to participate in. He ridiculed the idea, that the liturgy of the church of England was unintelligible without an Almanack.

Mr. *Montague* observed, that every gentleman seemed agreed to favour the universities, though some objected to favouring the stationers' company. He said, the trade of Almanack-making and selling was of a peculiar nature, and ought not, like other businesses, to be exercised at the will and pleasure of every ignorant person, and therefore thought the stationers' company were the fittest hands to place it in.

Mr. *Rous* said, that though monopolies in general deserved opposition, yet there were many branches of trade, which, for a variety of cogent reasons, required legal restriction, and that it was no uncommon thing for the legislature to interpose its authority in such cases; that the business of making and selling Almanacks, in particular, called for legal restriction; that in every proceeding of the courts of law and equity, the dates of months and years were most material points; it was highly necessary therefore, for the security of the property of the subject, that it should not be in the power of any man to print a partial Almanack, or an Almanack calculated to serve some particular purpose. Almanacks ought not to be printed at random, but the right of printing them ought to be vested in some body of people, not likely to abuse that right, and capable of

continuing to exercise it with that care and punctuality, indispensably requisite in a work of such continual reference on the most important occasions as an Almanack.

The motion was agreed to.

April 28. The said Bill was presented by lord North and read a first time.

Mr. Dempster moved, that the second reading should be that day three months. He said it was an unfair monopoly; that a decision had already been given in a court of law against it; and that it would diminish the revenue. He mentioned the general liberty given in Scotland for any person to publish almanacks, which made the booksellers studious to be correct; and asserted, that the Scotch almanacks were better than those of the stationers' company.

The House divided on Mr. Dempster's motion :

Tellers.

YEAS	{ Sir George Yonge - - }	42
	{ Mr. Dempster - - - }	
NOES	{ Sir Roger Newdigate - }	129
	{ Mr. Croftes - - - }	

So it passed in the negative; and the Bill was ordered to be read a second time.

April 29. A Petition of Thomas Carnan, citizen and bookseller of London, was presented to the House, and read; setting forth,

"That, in the year 1773, the petitioner printed and published an almanack, under the title of 'A Diary for the year of our Lord 1774, being the second after Bis-sextile, or leap-year, and the 14th year of his present Majesty, and the 23rd of the New Stile used in Great Britain, by Reuben Berrow, late assistant astronomer at the Royal Observatory, and teacher of the mathematics at Greenwich,' and sold and continued to sell the same until about the middle of November 1773, at which time the master and keepers, or wardens, and commonalty, of the mystery or art of stationers of the city of London, assuming and usurping to themselves an exclusive privilege of printing and publishing almanacks and prognostications, and all manner of books and pamphlets tending to the same purpose, under pretence of letters patent granted by king James the 1st, dated the 8th of March, in the 19th year of his reign, to the then master and keepers, or wardens, and commonalty, of the said company of stationers, and their successors, for that purpose, and conceiv-

ing that the petitioner had illegally encroached on such their supposed exclusive right, did, in Hilary term 1774, file a bill in the court of Chancery against the petitioner, stating the aforesaid patent, and complaining of such pretended illegal encroachment of the petitioner, and praying an injunction to restrain the petitioner from printing and selling such almanack or diary; and that, by the practice of the said court, the mere filing the complainant's bill, and a certificate thereof from the six clerks of the bill being filed, and an affidavit of the facts stated in such bill, are, in the first instance, deemed a sufficient ground for granting such injunction, without any notice given to the defendant to shew cause against it; and on such ground an injunction was applied for against the petitioner, to restrain him from printing and selling his said almanack or diary; and the petitioner, not having any notice of such bill having been filed, or of such intended application, was thereby deprived of any opportunity of shewing cause against and opposing the said application, and an injunction was by such means obtained against the petitioner, until he should have put in a full answer to the plaintiff's bill, and the court should make further order; and that the petitioner afterwards put in his answer to the complainant's bill, and denied the whole equity thereof, and did then apply to dissolve the said injunction; and, on the 1st of March 1774, the petitioner obtained an order to be at liberty to sell his said almanacks, under certain restrictions; and the said order further directed, that a case should be made for the opinion of the court of Common Pleas, and that two questions should be stated thereon, the first of which should be, 'Whether the grant made to the plaintiffs, the stationers' company, be general, or restrained to such almanacks and prognostications as should be licensed or allowed by the archbishop of Canterbury, the bishop of London, or either of them, for the time being;' and the second question should be, 'Whether the crown hath a prerogative and power to grant the same to the plaintiffs, exclusive of any other or others;' and all necessary facts were directed to be stated in the said case; and that the said case was, first in Hilary term 1775, and afterwards in the Easter term following, solemnly argued in the court of Common Pleas, on the said two questions; and the chief justice and the three puisne

judges of the said court unanimously agreed to, and signed, a certificate to the court of Chancery, of their opinion on the two points referred to them in the following words, viz. Answer to first Query: 'Having heard counsel on both sides, and considered the case, we are of opinion, that the grant made to the plaintiffs, the stationers company, was restrained to such almanacks and prognostications as should be licensed or allowed by the archbishop of Canterbury, the bishop of London, or either of them, for the time being.' Answer to second Query: 'We are of opinion, that the crown hath not a prerogative or power to make such grant to the plaintiffs, exclusive of any other or others;' and that the petitioner, having obtained such certificate, did, in June 1775, apply, by motion to the court of Chancery, to dissolve the said injunction, which the said court, on reading the same, granted, and the petitioner was thereby restored to the liberty of printing and selling such almanack or diary; but the petitioner, by such unjust and vexatious proceedings against him, has been put to very considerable expence in establishing his right to print and vend the same, and in opposing and suppressing such usurped monopoly; and the said complainant's bill against the petitioner has been since dismissed; and that in the course of the above proceedings, it appeared, that in some of the almanacks published by the complainants, under such their pretended exclusive authority, not only many absurd, erroneous, but even many useless, immoral, and very indecent passages, were introduced, which ought to be strictly guarded against and avoided in every work calculated for general use and knowledge; which absurdities, errors, and indecencies, the said complainants have themselves been more attentive to avoid since the petitioner detected them by the aforesaid means; whereby the petitioner has been greatly instrumental in rendering almanacks in general more useful, by being more correct than they were heretofore, and, by exposing such absurdities and indecencies, will most likely be the means of abolishing the same, and of introducing in the room of it matter of public information and utility; and that the petitioner observes, by the votes of the House, that a Bill is ordered to be brought in, to vest the sole right of printing almanacks, in that part of Great Britain called England, in the two universities of Oxford

and Cambridge, and the company of stationers of the city of London, respectively; and that such Bill, if it should pass into a law, will preclude the petitioner from the privilege which he has been so long, and at so great expence contending for, and to which, by the aforesaid determination, he is now entitled, and would tend to create a new monopoly in the two universities, and the said company of stationers, destructive to the object which the petitioner has, with so great expence and trouble, been labouring to effect, viz. the making almanacks of more utility than those formerly under the monopoly of the stationers company, which cannot be otherwise than by leaving the trade open, which will consequently create an emulation in the different publishers to attain the greatest degree of correctness; whereas such monopoly, being established, would tend, as formerly, to discourage science, be a disgrace to literature, and will moreover essentially injure and lessen the revenue, by reducing the number of stamps, which will otherwise be required in a free sale: and therefore praying, that the said Bill may not pass into a law; and that the petitioner may be heard, by his counsel, against the said Bill."

Ordered to lie upon the table until the second reading of the Bill; and that the petitioner be then heard, by his counsel, against the said Bill.

Mr. Erskine's Speech in Support of Carnan's Petition against the Bill to vest the sole Right of Printing Almanacks in the Two Universities.] May 10. The Bill "to vest the sole right of printing Almanacks, in the two Universities of Oxford and Cambridge, and the Company of Stationers of the city of London, respectively," was read a second time. Then the counsel against the Bill were called in; and the Petition of Thomas Carnan, citizen and bookseller of London, was also read. After which the counsel against the Bill were heard, in support of the said Petition:

Mr. Davenport, in a learned speech, stood up for the right of his client to print and publish all sorts of almanacks as a branch of his trade. He desired the House to observe, that there was no genius, no invention, no pretence to original ideas in composing these almanacks, consequently there could be no claim of copy right, or any other exclusive privilege whatever. The pretence of correctness

was equally frivolous, so was that of putting these calendars under the care of the universities on a religious account. The privilege, he observed, had been a source of oppressive litigation; a man could not publish a memorandum or pocket-book, giving an account of time, of the changes of the moon, and other things useful for people to know, but instantly the stationers company called it an almanack, and prosecuted the publisher. The Bill he considered as an attempt to restrict the free trade of the subject, as a great oppression, and a monopoly which ought not to be sanctioned by law.

When Mr. Davenport had concluded,

Mr. *Erskine* addressed the House as follows:*

Mr. Speaker,

In preparing myself to appear before you, as counsel for a private individual, to oppose the enactment of a general and public statute, which was to affect the whole community, I felt myself under some sort of difficulty. Conscious that no

* The above Speech is copied [A. D. 1814] by permission, from the first volume of "The Speeches of the hon. Thomas Erskine (now lord Erskine,) when at the Bar, on subjects connected with the Liberty of the Press, and against Constructive Treasons." To the Speech is prefixed the following Introduction:

"By letters patent of king James the 1st, the stationers' company, and the universities of Oxford and Cambridge, had obtained the exclusive right of printing almanacks, by virtue of a supposed copy-right in the crown. This monopoly had been submitted to from the date of the grant in the last century, until Mr. Carnan, formerly a bookseller in St. Paul's church-yard, printed them, and sold them in the ordinary course of his trade. This spirited and active tradesman made many improvements upon the stationers' and university almanacks, and, at a very considerable expence, compiled many of the various classes of useful information, by which pocket almanacks have been rendered so very convenient in the ordinary occurrences of life, but which, without the addition of the calendar, few would have been disposed to purchase.

"Upon the sale of Carnan's almanacks becoming extensive and profitable, the two universities and the stationers' company filed a bill in the court of Exchequer, for an injunction to restrain it; praying that the copies sold might be accounted for, and the remainder delivered up to be cancelled.

"It appears from the proceedings printed at the time by the late Mr. Carnan, that the court, doubting the validity of the king's charter, on

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man, or body of men, had a right to dictate to, or even to argue with parliament on the exercise of the high and important trust of legislation, and that the policy and expediency of a law was rather the subject of debate in the House, than of argument at the bar, I was afraid that I should be obliged to confine myself to the special injury, which the petitioner as an individual, would suffer, and that you might be offended with any general observations, which, if not applying to him personally, might be thought unbecoming in me to offer to the superior wisdom of the House.

But I am relieved from that apprehension by the great indulgence with which you have listened to the general scope of the question from the learned gentleman, (Mr. Davenport) who has spoken before me, and likewise by the reflection, that I remember no instance, where parliament has taken away any right conferred by the law as a common benefit, without very satisfactory evidence, that the universal good of the community required the sacrifice; because every unnecessary restraint on the

which the right of the universities and of the stationers' company was founded, directed a question upon its legality to be argued before the court of Common Pleas, whose judges, after two arguments before them, certified that the patent was void in law; the court of Exchequer thereupon dismissed the bill, and the injunction was dissolved.

"Mr. Carnan having obtained this judgment, prosecuted his trade for a short time with increased activity, when a Bill was introduced into the House of Commons by the late earl of Guilford, then lord North, prime minister, and chancellor of the university of Oxford, to revest, by act of parliament, the monopoly in almanacks, which had fallen to the ground by the above-mentioned judgments in the King's courts.

"The preamble of the Bill recited the exclusive right given to the stationers and universities by the charter of Charles the 2d, as a fund for the printing of curious and learned books, the uniform enjoyment under it, the judgments of the courts of law upon the invalidity of the charter, and the expediency of regranting the monopoly for the same useful purposes by the authority of parliament.

"The Bill being supported by all the influence of the two universities in the House of Commons, and being introduced by lord North in the plenitude of his authority, Mr. Carnan's opposition to it by counsel was considered at the time as a forlorn hope; but to the high honour of the House of Commons, immediately on Mr. Erskine's retiring from the bar the House divided, and that the Bill was rejected by a majority of 20 votes."

[2 R]

natural liberty of mankind is a degree of tyranny, which no wise legislature will inflict.

The general policy of the Bill is then fully open to my investigation; because, if I can succeed in exposing the erroneous principles on which it is founded,—if I can shew it to be repugnant to every wise and liberal system of government, I shall be listened to with the greater attention, and shall have the less to combat with, when I come to state the special grounds of objection, which I am instructed to represent to you on behalf of the petitioner against it. Sir, I shall not recapitulate what you have already heard from the bar;—you are in full possession of the facts which gave rise to the question, and I shall therefore proceed directly to the investigation of the principles, which I mean to apply to them, in opposition to the Bill before you,—pledging myself to you to do it with as much truth and fidelity, as if I had the honour to speak to you as a member of the House. I am confident, Sir, that, if you will indulge me with your attention, I shall make it appear, that the very same principles, which emancipated almanacks from the fetters of the prerogative in the courts of law, ought equally to free them from all parliamentary restriction.

On the first introduction of printing it was considered, as well in England as in other countries, to be a matter of state. The quick and extensive circulation of sentiments and opinions, which that invaluable art introduced, could not but fall under the gripe of governments, whose principal strength was built upon the ignorance of the people who were to submit to them. The press was, therefore, wholly under the coercion of the crown, and all printing, not only of public books containing ordinances religious or civil, but every species of publication whatsoever, was regulated by the king's proclamations, prohibitions, charters of privilege, and finally by the decrees of the Star-chamber.

After the demolition of that odious jurisdiction, the long parliament, on its rupture with Charles the 1st, assumed the same power which had before been in the crown; and after the Restoration the same restrictions were re-enacted and re-annexed to the prerogative by the statute of the 13th and 14th of Charles the 2d, and continued down by subsequent Acts, till after the Revolution. In what manner they expired at last, in the time of king

William, I need not state in this House; their happy abolition, and the vain attempts to revive them in the end of that reign, stand recorded on your own Journals, I trust as perpetual monuments of your wisdom and virtue. It is sufficient to say, that the expiration of these disgraceful statutes, by the refusal of parliament to continue them any longer, formed the great æra of the liberty of the press in this country, and stripped the crown of every prerogative over it, except that, which, upon just and rational principles of government, must ever belong to the executive magistrate in all countries, namely, the exclusive right to publish religious or civil constitutions:—in a word, to promulgate every ordinance, which contains the rules of action by which the subject is to live, and to be governed. These always did, and, from the very nature of civil government, always ought to belong to the sovereign, and hence have gained the title of prerogative copies.

When, therefore, the Stationers' company, claiming the exclusive right of printing almanacks under a charter of king James the 1st, applied to the court of Exchequer for an injunction against the petitioner at your bar, the question submitted by the barons to the learned judges of the Common Pleas, namely, "whether the crown could grant such exclusive right?" was neither more nor less than this question—Whether almanacks were such public ordinances, such matters of state, as belonged to the king by his prerogative, so as to enable him to communicate an exclusive right of printing them to a grantee of the crown? For the press being thrown open by the expiration of the licensing acts, nothing could remain exclusively to such grantees, but the printing of such books, as upon solid constitutional grounds belonged to the superintendence of the crown as matters of authority and state.

The question, so submitted, was twice solemnly argued in the court of Common Pleas; when the judges unanimously certified, that the crown had no such power; and their determination, as evidently appears from the arguments of the counsel, which the chief justice recognized with the strongest marks of approbation, was plainly founded on this,—that almanacks had no resemblance to those public acts religious or civil, which, on principle, fall under the superintendence of the crown.

The counsel (Mr. Serjeant Glynn and

Mr. Serjeant Hill) who argued the case for the plaintiffs (two of the most learned men in the profession) were aware that the king's prerogative in this particular had no absolute and fixed foundation, either by prescription or statute, but that it depended on public policy, and the reasonable limitation of executive power for the common good;—they felt that the judges had no other standard, by which to determine, whether it was a prerogative copy, than by settling upon principles of good sense, whether it ought to be one, they laboured therefore to show the propriety of the revision of almanacks by public authority;—they said they contained the regulation of time, which was matter of public institution, having a reference to all laws and ordinances;—that they were part of the prayer book, which belonged to the king as head of the church;—that they contained matters which were received as conclusive evidence in courts of justice, and therefore ought to be published by authority;—that the trial by almanack was a mode of decision not unknown;—that many inconveniences might arise to the public from mistakes in the matters they contained: many other arguments of the like nature were relied on, which it is unnecessary for me to enumerate in this place, as they were rejected by the court; and likewise, because the only reason of my mentioning them at all is to shew, that the public expediency or propriety of subjecting almanacks to revision by authority, appeared to those eminent lawyers, and to the court, which approved of their arguments, as only the standard by which the king's prerogative over them was to be measured. For if the judges had been bound to decide on that prerogative by strict precedent, or by any other rule than a judicial construction of the just and reasonable extent of prerogative, these arguments, founded on convenience, expediency, and propriety, would have been downright impertinence and nonsense; but taking them, as I do, and as the judges did, they were (though unsuccessful, as they ought to be) every way worthy of the very able men, who maintained them for their clients.

Thus, Sir, the exclusive right of printing almanacks, which, from the bigotry and slavery of former times, had so long been monopolized as a prerogative copy, was at last thrown open to the subject, as not falling within the reason of those books, which still remain, and ever must

remain, the undisputed property of the crown.

The only two questions, therefore, that arise on the Bill before you, are, first, Whether it be wise or expedient for parliament to revive a monopoly, so recently condemned by the courts of law as unjust, from not being a fit subject of a monopoly, and to give it to the very same parties, who have so long enjoyed it by usurpation, and who have, besides, grossly abused it? secondly, Whether parliament can, consistently with the first principles of justice, overlook the injury, which will be sustained by the petitioner as an individual, from his being deprived of the exercise of the lawful trade, by which he lives;—a trade which he began with the free spirit of an Englishman in contempt of an illegal usurpation;—a trade, supported and sanctioned by a decree of one of the highest judicatures known to the constitution?

Surely, Sir, the Bill ought to be rejected with indignation by this House, under such circumstances of private injustice, independently of public inexpediency:—if you were to adopt it, the law would be henceforth a snare to the subject,—no man would venture to engage hereafter in any commercial enterprize, since he never could be sure that, although the tide of his fortunes was running in a free and legal channel, its course might not be turned by parliament into the bosom of a monopolist.

Let us now consider more minutely the two questions for your consideration: the general policy, and the private injury.

As to the first, no doubt the legislature is supreme, and may create monopolies which the crown cannot. But let it be recollected, that the very same reasons, which emancipated almanacks from the prerogative in the courts below, equally apply against any interference of parliament. If almanacks be not publications of a nature to fall within the legal construction of prerogative copyrights, why should parliament grant a monopoly of them, since it is impossible to deny, that, if they contain such matters as in policy required the stamp or revision of public authority, the exclusive right of printing them would have been inherent in the crown by prerogative, upon legal principles of executive power, in which case an act would not have been necessary to protect the charter? and, it is equally impossible to deny, on the other hand, that, if they be not such publications as require to be issued or reviewed

by authority, they then stand on the general footing of all other printing, by which men in a free country are permitted to circulate knowledge. The Bill, therefore, is either nugatory, or the patent is void;—and if the patent be void, parliament cannot set it up again, without a dangerous infringement of the general liberty of the press.

Sir, when I reflect that this proposed monopoly is a monopoly in printing, and that it gives, or rather continues it to the company of Stationers,—the very same body of men who were the literary constables to the Star-chamber to suppress all the science and information, to which we owe our freedom, I confess I am at a loss to account for the reason or motive of the indulgence: but get the right who may, the principle is so dangerous, that I cannot yet consent to part with this view of the subject. The Bill proposes, that parliament should subject almanacks to the revision of the king's authority, when the judges of the common law, the constitutional guardians of his prerogative, have declared that they do not on principle require that sanction:—so that your Bill is neither more nor less than the reversal of a decision, admitted to be wise and just. Since as the court was clearly at liberty to have determined the patent to have been good, if the principle by which prerogative copies have been regulated in other cases had fairly applied to almanacks, you, in saying that such principle does apply, in fact arraign that legal judgment. God forbid, Sir, that I should have the indecency to hint, that this reasoning concerning public convenience and expediency will ever be extended to reach other publications more important than almanacks; but certainly the principle might, with much less violence than is necessary to bring them within the pale of authority, upon the principle of the Bill before you, subject the most valuable productions of the press to parliamentary regulations, and totally annihilate its freedom.

Is it not, for instance, much more dangerous, that the rise and fall of the funds, in this commercial nation, should be subject to misrepresentation, than the rise or fall of the tides?—Are not misconstructions of the arguments and characters of the members of this high assembly more important in their consequences, than mistakes in the calendar of those wretched saints, which still, to the wonder of all wise men, infest the liturgy of a reformed Pro-

testant church?—Prophecies of famine, pestilence, national ruin, and bankruptcy, are surely more dangerous to reign unchecked, than prognostications of rain or dust; yet they are the daily uncontrolled offspring of every private author, and I trust will ever continue to be so; because the liberty of the press consists in its being subject to no previous restrictions, and liable only to animadversion, when that liberty is abused. But if almanacks, Sir, are held to be such matter of public consequence as to be revised by authority, and confined by a monopoly, surely the various departments of science may, on much stronger principles, be parcelled out among the different officers of state, as they were at the first introduction of printing. There is no telling to what such precedents may lead;—the public welfare was the burden of the preambles to the licensing acts;—the most tyrannical laws in the most absolute governments speak a kind, parental language to the abject wretches, who groan under their crushing and humiliating weight; resisting therefore a regulation and supervision of the press beyond the rules of the common law, I lose sight of my client, and feel that I am speaking for myself,—for every man in England. With such a legislature, as I have now the honour to address, I confess the evil is imaginary—but who can look into the future?—this precedent (trifling as it may seem) may hereafter afford a plausible inlet to much mischief,—the protection of the law may be a pretence for a monopoly in all books on legal subjects;—the safety of the state may require the suppression of histories and political writings;—even philosophy herself may become once more the slave of the schoolmen, and religion fall again under the iron fetters of the church.

If a monopoly in almanacks had never existed before, and inconveniences had actually arisen from a general trade in them, the offensive principle of the Bill might have been covered by a suitable preamble reciting that mischief; but having existed above a century by convicted usurpation, so as to render that recital impossible, you are presented with this new sort of preamble, in the teeth of facts which are notorious.

[States the preamble of the Bill.]

First, it recites an exercise and enjoyment under the King's letters patent, and then, without explaining why the patent was insufficient for its own protection, it

proposes to confer, what had been just stated to be conferred already, with this most extraordinary addition, "Any law or usage to the contrary notwithstanding." Sir, if the letters patent were void, they should not have been stated at all, nor should the right be said to have been exercised and enjoyed under them;—on the other hand, if they were valid, there could be no law or usage to the contrary, for contradictory laws cannot both subsist. This has not arisen from the ignorance or inattention of the framer of the Bill, for the Bill is ably and artfully framed; but it has arisen from the awkwardness of attempting to hide the real merits of the case. To have preserved the truth, the Bill must have run thus:

"Whereas the Stationers' company and the two Universities have, for above a century last past, contrary to law, usurped the right of printing almanacks, in exclusion of the rest of his Majesty's faithful people, and have from time to time harassed and vexed divers good subjects of our lord the King for printing the same, till checked by a late decision of the courts of law:

"Be it therefore enacted, that this usurpation be made legal, and be confirmed to them in future."

This, Sir, would have been a curiosity indeed, and would have made some noise in the House, yet it is nothing but the plain and simple truth;—the Bill could not pass, without making a sort of bolus of the preamble to swallow it in.

So much for the introduction of the Bill, which, ridiculous as it is, has nevertheless a merit not very common to the preambles of modern statutes, which are generally at cross purposes with the enacting part. Here, I confess, the enacting part closes in to a nicety with the preamble, and makes the whole a most consistent and respectable piece of tyranny, absurdity, and falsehood.

But the correctness and decency of these publications, are, it seems, the great objects in reviving and confirming this monopoly, which the preamble asserts to have been hitherto attained by it, since it states "that such monopoly has been found to be convenient and expedient." But, Sir, is it seriously proposed by this Bill to attain these moral objects by vesting, or rather legalizing the usurped monopoly in the Universities, under episcopal revision, as formerly?—Is it imagined that our almanacks are to come to us in future, in

the classical arrangement of Oxford,—fraught with the mathematics and astronomy of Cambridge,—printed with the correct type of the Stationers' company,—and sanctified by the blessings of the bishops? I beg pardon, Sir, but the idea is perfectly ludicrous; it is notorious that the Universities sell their right to the Stationers' company for a fixed annual sum, and that this Act is to enable them to continue to do so. And it is equally notorious, that the Stationers' company make a scandalous job of the bargain, and, to increase the sale of almanacks among the vulgar, publish, under the auspices of religion and learning, the most senseless absurdities.—I should really have been glad to have cited some sentences from the one hundred and thirteenth edition of poor Robin's almanack, published under the revision of the archbishop of Canterbury and the bishop of London,—but I am prevented from doing it by a just respect for the House. Indeed, I know no house—but a brothel,—that could suffer the quotation. The worst part of Rochester is ladies' reading when compared with them.

They are equally indebted to the calculations of their astronomers, which seem, however, to be made for a more western meridian than London.—Plow Monday falls out on a Saturday,—and Hilary term ends on Septuagesima Sunday. In short, Sir, their almanacks have been, as every thing else that is monopolized must be,—uniform and obstinate in mistake and error, for want of the necessary rivalry. It is not worth their while to unset the press to correct mistakes, however gross and palpable, because they cannot affect the sale. If the moon is made to rise in the west, she may continue to rise there for ever.—When ignorance, nonsense, and obscenity were thus hatched under the protection of a royal patent, how must they thrive under the wide spreading fostering wings of an act of parliament;—whereas in Scotland, and in Ireland, where the trade in almanacks has been free and unrestrained, they have been eminent for exactness and useful information. The act recognizes the truth of this remark, and prohibits the importation of them.

But, Sir, this Bill would extend not only to monopolize almanacks, but every other useful information published with almanacks, which render the common businesses of life familiar. It is notorious, that the various lists and tables, which are portable in the pocket, are not saleable

without almanacks;—yet all these, Sir, are to be given up to the Stationers' company, and taken from the public by the large words in the Bill, of books, pamphlets, or papers; since the booksellers cannot afford to compile these useful works, which, from their extensive circulation, are highly beneficial to trade, and to the revenue of stamps, if they must purchase from the Stationers' company the almanack annexed to them, because the company must have a profit, which will enhance their price.—In short, Sir, parliament is going to tear a few innocent leaves out of books of most astonishing circulation, and of very general use, by which they will be rendered unsaleable, merely to support a monopoly, established in the days of ignorance, bigotry, and superstition, which has deviated from the ends of its institution, senseless and worthless as they were, and which could not stand a moment, when dragged by a public-spirited citizen, into the full sunshine of a modern English court of justice.

It would be a strange thing, Sir, to see an odious monopoly, which could not even stand upon its legs in Westminster-hall, upon the broad pedestal of prerogative, though propped up with the precedents, which the decisions of judges in darker ages had accumulated into law,—it would be a strange thing to see such an abuse supported and revived by the parliament of Great Britain in the 18th century, in the meridian of the arts, the sciences, and liberty,—to see it starting up among your numberless acts of liberal toleration, and boundless freedom of opinion.—God forbid, Sir, that at this time of day we should witness such a disgrace as the monopoly of a twopenny almanack, rising up like a tare among the rich fields of trade, which the wisdom of your laws has blown into a smiling harvest all around the globe.

But, Sir, I forget myself;—I have trespassed too long upon your indulgence;—I have assumed a language fitter, perhaps, for the House than for its bar; I will now therefore confine myself in greater strictness to my duty as an advocate, and submit to your private justice, that, let the public policy of this Bill be what it may, the individual, whom I represent before you, is entitled to your protection against it.

Mr. Carnan, the petitioner, had turned the current of his fortunes into a channel, perfectly open to him in law, and which, when blocked up by usurpation, he had cleared away at a great expence, by the

decision of one of the highest courts in the kingdom. Possessed of a decree, founded too on a certificate from the judges of the common law,—was it either weak or presumptuous in an Englishman to extend his views, that had thus obtained the broadest seal of justice?—Sir, he did extend them with the same liberal spirit in which he began;—he published twenty different kinds of almanacks, calculated for different meridians and latitudes, corrected the blunders of the lazy monopolists, and, supported by the encouragement which laudable industry is sure to meet with in a free country, he made that branch of trade his first and leading object,—and I challenge the framer of this Bill (even though he should happen to be at the head of his Majesty's government) to produce to the House a single instance of immorality, or of any mistake or uncertainty, or any one inconvenience arising to the public from this general trade, which he had the merit of redeeming from a disgraceful and illegal monopoly.—On the contrary, much useful learning has been communicated, a variety of convenient additions introduced, and many egregious errors and superstitions have been corrected. Under such circumstances I will not believe it possible, that parliament can deliver up the honest labours of a citizen of London to be damasked and made waste paper of (as this scandalous Bill expresses it) by any man or body of men in the kingdom. On the contrary, I am sure the attempt to introduce, through the Commons of England, a law so shockingly repugnant to every principle, which characterizes the English government, will meet with your just indignation as an insult to the House, whose peculiar station in the government is the support of popular freedom. For, Sir, if this Act were to pass, I see nothing to hinder any man, who is turned out of possession of his neighbour's estate by legal ejectment, from applying to you to give it him back again by act of parliament.—The fallacy lies in supposing, that the Universities and Stationers' company ever had a right to the monopoly, which they have exercised so long. The preamble of the Bill supposes it,—but, as it is a supposition in the very teeth of a judgment of law,—it is only an aggravation of the impudence of the application.

And now, Mr. Speaker, I retire from your bar, I wish I could say with confidence of having prevailed.—If the wretched company of Stationers had been my

only opponents, my confidence had been perfect;—indeed so perfect, that I should not have wasted ten minutes of your time on the subject, but should have left the Bill to dissolve in its own weakness: but, when I reflect that Oxford and Cambridge are suitors here, I own to you I am alarmed, and I feel myself called upon to say something, which I know your indulgence will forgive. The House is filled with their most illustrious sons, who no doubt feel an involuntary zeal for the interest of their parent Universities.—Sir, it is an influence so natural, and so honourable, that I trust there is no indecency in my hinting the possibility of its operation. Yet I persuade myself that these learned bodies have effectually defeated their own interests, by the sentiments which their liberal sciences have disseminated amongst you;—their wise and learned institutions have erected in your minds the august image of an enlightened statesman, which, trampling down all personal interests and affections, looks steadily forward to the great ends of public and private justice, unawed by authority, and unbiassed by favour.

It is from thence my hopes for my client revive.—If the Universities have lost an advantage, enjoyed contrary to law, and at the expence of sound policy and liberty, you will rejoice that the courts below have pronounced that wise and liberal judgment against them, and will not set the evil example of reversing it here. But you need not therefore forget, that the Universities have lost an advantage,—and if it be a loss that can be felt by bodies so liberally endowed, it may be repaired to them by the bounty of the crown, or by your own.—It were much better that the people of England should pay 10,000*l.* a year to each of them, than suffer them to enjoy one farthing at the expence of the ruin of a free citizen, or the monopoly of a free trade.

The Counsel having withdrawn, the question, That the Bill be committed, was immediately put; upon which the House divided:

Tellers.

YEAS	{ Mr. Eden - - - - }	40
	{ Mr. Ord - - - - }	
NOES	{ Sir W. Meredith - - - }	60
	{ Mr. Dempster - - - }	

So it passed in the negative; and the Bill was consequently lost.*

* It is a circumstance much to the honour of the late lord Elliott, who, at the desire of

Lord George Gordon's Motion respecting the Petition of the Roman Catholics of Scotland.] May 5. The House was about to adjourn, when

Lord George Gordon rose, and made a speech respecting the disposition of the people of Scotland, and described them as ripe for insurrection and rebellion; affirmed that the inhabitants fit to bear arms, a few Roman Catholics excepted, were ready to resist the powers of government, and had invited him to be their leader or privy-counsellor. He stated the religious constitution of Scotland as rendered sacred against any law the parliament of Great Britain might enact for its alteration. The preserving it free from any innovation whatever, unless the same was done by the joint consent of the provincial synods and the people at large in their elective and corporate capacities, would be an actual breach of the fundamental conditions on which the union of the two kingdoms was entered into and confirmed; and that, without such a previous consent of the people of Scotland, no power on earth was competent to interfere or break into, or defeat, the conditions on which only the Union was to take effect. This was the ground the people of Scotland took; they retained certain rights and privileges, which they deemed inherent and unalienable; such in particular, was the religious establishment and the municipal laws of that country, secured by the treaty of Union. They were an independent nation when they entered into that treaty, so was England; they had their laws and their religious establishment, which they deemed sacred; and he was certain that Scotland would never submit to the arbitrary or oppressive acts of a British parliament. They would prefer death to slavery, and perish with arms in their hands, or prevail in the contest. His lordship read two motions, but no person appearing to second them, the Speaker refused to read them; consequently no question could be put upon them. The motions were: 1. "It appearing to this House that the people of Scotland being justly and constitutionally alarmed by the encouragement given to Popery by the King's recommendation to this House through the lord North (as it may be seen

lord North, his brother-in-law, came from Cornwall to support the Bill, that after hearing Mr. Erskine's speech, he divided against it, and said publicly in the lobby, that he found it impossible to vote otherwise.

in our votes of the 18th of March last) of a Petition from the Popish lords, Linto and the bishop of Daulis; as also by the repeated assurances, both public and private, given to the Papists in Scotland by his Majesty's officers and men in authority (which may be seen likewise in the two different editions of the memorial distributed to the members of this House by the lord bishop of Daulis, just before the said Petition was presented,) that whatever was granted last year to the English Catholics should this present session of parliament be extended to Scotland; this House resolves, in order to quiet those just alarms, that the said Popish Petition be thrown over the table. 2. That all further proceedings on the said Petition be postponed to this day three months."

Debate on Mr. Fox's Motion for the Sentence of the Court-Martial on Sir Hugh Palliser.] May 13. Mr. Fox moved "That there be laid before this House, a copy of the Sentence of the Court-Martial lately held on vice admiral sir Hugh Palliser at Portsmouth." He said he did not doubt, if his motion was carried, but he should move for a copy of the minutes, taken at the trial. He was not determined what step he should take, because an hon. military commander (general Conway) now at his government, had pledged himself to the House, that if sir Hugh should be acquitted, he would make a motion for the purpose of removing him from his present situation. At the time alluded to, he withdrew his motion, out of respect to the hon. gentleman; now he should forbear to repeat it, for the same reason. It was not necessary to remind the House, that the only solid objection urged against the motion was, that as the vice-admiral was going to a court-martial, a vote of this House might be supposed to influence his judges. Indeed, the House was almost unanimous in opinion relative to the propriety of the motion. A learned gentleman of great weight (the Attorney General) urged scarcely any other motive of dissent; thought his accusation against his superior was ill-founded from the beginning, and that, whether it was malicious or not, it certainly was highly deserving of censure. Another learned gentleman, (the Solicitor-General) went a good deal further; he pledged himself to that House, that if the vice admiral should, on his acquittal, be again employed, he would himself move to impeach that minister who

should dare employ him. The learned gentleman was not now in his place; he believed him to be a man of integrity and honour; and he promised, whenever he proceeded to the performance of his engagement to that House, he would most certainly second him. After touching a little on other topics, relative to the conduct of the navy, he mentioned the resignation of sir Robert Harland, and a mutiny which had broke out at Torbay, on board the *Defiance*, in the fleet under the command of admiral Arbuthnot. If his motion was agreed to, the sentence he promised should be taken up on some future day, for the purpose of framing some public proceeding thereon. He asserted, that the navy was in general dissatisfied; that the sentence was kept yet as a secret; that he had seen different representations of it in the newspapers; that however, as they were contradictory, nothing could be depended upon: he wished therefore, as the first step to future proceedings, that a copy of the sentence might be made public, that the nation might be enabled to judge how far it was justified, by the evidence on which it was framed.

Lord North said, as he did not hear any ground stated sufficient to induce him to agree to the motion, he would certainly resist it. He heard that there was a mutiny of the sailors at Torbay; he was sorry for it. He did not know the exact particulars, but he understood that it had subsided, or was in a fair way of being quelled. As to the resignation of sir R. Harland, it was certainly true; it gave him great pain; but he could assure the hon. gentleman, that the admiral's desiring permission to strike his flag and come on shore, was not from any disgust to the conduct of the Admiralty-board; at least it was not so expressed in the letter; he was therefore free to say, that neither the resignation alluded to, nor the mutiny at Torbay, had proceeded from any circumstance which might afford grounds of charge against the Admiralty-board. The hon. gentleman had thrown out a general imputation on the court-martial, and specifically pointed at some of its members; he could assure him, if his motion was ultimately meant to criminate the gentlemen so described, the sentence would not answer any purpose whatever. The court was constituted according to act of parliament; no management had been used; the senior captains were regularly called upon; and the hon. gentleman could not

forget that those gentlemen were upon their oaths. Much had been said of the discontents in the navy, and of the resignation of several honourable and respectable commanders. No person entertained an higher opinion of the honourable admiral, the noble lord who commanded in America, and the vice-admiral, whose name had been introduced into the present debate. He regretted the loss to the service, which the absence of so many able officers must occasion; but he had the consolation to think that their places could be supplied with men no less reputable—
“Men as good as they.”

Admiral *Keppel* said, he thought the motion a very proper one; the sentence had not been as yet published. One newspaper said, that the vice-admiral had been most honourably acquitted; another, that he had been censured for disobedience of orders. In such a state of uncertainty, the public, and that House, ought to be informed; for certainly, as the sentence was represented, it must appear very strange indeed, to acquit a person honourably in one part, and censure him for a breach of duty in another. He protested he did not know the sentence. He believed, but he would not undertake to say, from his own knowledge, that it was favourable, because he understood that the gentleman had been at St. James's, where it was to be presumed he would have hardly gone, if his judges had not honourably acquitted him of the charges which had been preferred against him.

Governor *Johnstone* said, that those who attempted to foment discontents and disunion in the navy, deserved the heaviest curses and execrations of their country. He condemned the injustice of arraigning the conduct of men, respecting their public judgments given on oath; and said there would be an end of law and justice, if men and characters were to be questioned in such situations.

Mr. *James Luttrell* contended, that the court-martial was not properly constituted in any respect. No person who had been aboard that fleet on the 27th of July, ought to have acted in the character of a judge; particularly if he was known to have entertained opinions either in favour or against the party accused. It was the duty of a person thus circumstanced, to attend as a witness, not to act in the capacity of a judge. He was on board the *Victory* the first day of the hon. admiral's trial, and he remembered well, that capt.

Walsingham was objected to, and the objection allowed, because he might be summoned as a witness, and the opinion of the first law officer of the crown stated, as the ground of the objection. If it was a good opinion in one instance, it was so in the other; consequently, captain *Walsingham* was unjustly excluded, or admiral *Digby*, and the three captains of the blue division improperly admitted.

Mr. *Burke* spoke to the discontents which had spread through the navy, and of the resignation of those two great naval officers, sir *J. Lindsay* and captain *Gower*.

Lord *North* said, the absence of capt. *Gower* from the service gave him great trouble, because he was persuaded of his great professional deserts; but the present was the first he heard, that sir *J. Lindsay* had withdrawn himself from the service upon any other account than his precarious state of health.

Governor *Johnstone* said, he could speak from his own knowledge, as to the reason which induced sir *J. Lindsay* to decline the service, and assured the House, that they had not originated from any disapprobation of the conduct of the Admiralty-board, but merely from an indifferent state of health. Much had been said upon the impropriety of permitting a near relation of the vice-admiral to sit on his trial; but, for his part, he thought it a very far-fetched objection, and the hon. gentlemen who had recourse to it, were extremely hard set. It was, besides, frivolous and ill-founded; for he knew no law, on which such an objection could be maintained, nor a court that would pay it the least attention.

Admiral *Keppel* said, he could confirm what had been asserted by the commodore. When he declined to serve himself, sir *John* acquainted him with his intention, for the reasons assigned by the hon. commodore, his total inability to attend his duty, being tortured by the gout: in order, however, to avoid any ill-founded impressions, he prevailed upon him to delay the letter containing his resignation for a fortnight longer, which sir *John* obligingly complied with.

Mr. *Burke* begged pardon of the House; said, he by no means intended to mislead it, or misrepresent the motives which induced sir *John Lindsay* to resign; and he trusted that the friends of that brave and able commander would believe he did not wish to make any use of his name, farther than he thought himself justified by truth.

Mr. Fox said, he would speak to the question. He must, he said, condemn administration for the following reasons. First, for collecting the charge from the minutes taken at the trial of admiral Képél, instead of making a specific accusation, which would have constrained the members to decide directly for or against the charge of disobedience. Secondly, in constituting the court in such a manner, that three of the members, who had, as witnesses, on the former trial, shewn a partiality in favour of sir Hugh: He would allow it to be an honest partiality; but be that as it might, it equally rendered them unfit to act in the capacity of judges. One of them was a near relation of his own (admiral Digby) a person of as much honour and high integrity, as ever breathed; but still improper to sit in judgment on a point of which he had entertained a pre-conceived opinion. Thirdly, on the total variance and contradiction between the minutes and the supposed sentence: and finally, on the absurdity of the sentence itself, which, if faithfully reported, convicted the vice-admiral of the principal fact alledged, and nevertheless openly permitted the offender to escape with impunity.

Lord Mulgrave entered the House just as Mr. Fox was sitting down, and instantly rose and attacked the whole body of opposition in very strong terms. He defended the conduct of the noble lord who presided at the Admiralty-board, and the board itself; defied opposition to make a single charge; but he knew the challenge was fruitless; they dared not. They were conscious of their own inability, and therefore dealt in general charges, and loose unmanly invectives; they would not now venture to state a single fact, because they well knew the charge would recoil on themselves, and terminate in their own infamy. Divisions in the navy! Discontents! Mutinies! It was false, it was wicked. Discontents and disunion only existed in their own minds; they endeavoured to create them, to nourish and foment them, in every department, in that House, and out of it, by those Machiavelian arts which they had basely imputed to others. They laboured incessantly to sow dissensions, to provoke them, by means the most scandalous and dishonourable; and laid the fault on the Admiralty-board, though they alone were the authors. They employed their factious emissaries, their little officers, to insinuate themselves among

their brethren of the profession, and in unguarded moments, attempted to seduce them from the duty they owed their country, and rendered them the instruments of their abandoned and wicked policy, thereby to give a colour to their arts; employing the most fair and honourable dispositions in purposes, which, if apparent, the persons alluded to would hold in the most utter abhorrence. Under the semblance of truth and honest intentions, they resorted to every species of falsehood and delusion.—[His lordship was here called to order by the Speaker, who begged, that his lordship would, at least, permit him to read the question. This being complied with, the noble lord resumed his speech; but was again interrupted by the Speaker, who pressed the propriety of his waiting a while, till he heard some of the arguments urged in support of the motion.]

Mr. Burke said, that the discontent and general dissatisfaction stated by that side of the House, be the cause what it might, was almost universal. The noble lord, who had been with so much propriety compelled to sit down, was modest enough, however contradictory it might be to some of his assertions, to acknowledge it; but, says the noble lord, the opposition it is, that has created and fomented these discontents. Is the noble lord serious, or has he rather had recourse to his celebrated argument of *tu quoque*? "It was not I that did it, but it was you." Such an answer is just on a line with the noble lord's politeness, and wit, and pleasantry. He has a great example in this line of debate, the noble lord in the blue ribbon. He is sometimes more angry than his noble friend, but when he pleases, he can be almost as witty.

But leaving the noble lord's wit and politeness to the admiration of his friends, the whole of the noble lord's discourse, in point of designed effect, deserves an answer, though, I think, no particular part of it does. I should be sorry to have so disagreeable a task assigned me, not even the politeness and the candour of the noble lord shall provoke me. The tenor of the noble lord's speech is, that discontents in the navy do exist; but that the reason they do, is owing to opposition, who by Machiavelian arts and by emissaries, and factious and wicked agents, have really sown them, and now expect to reap a wicked harvest. I take it, that by this, the noble lord means that opposition expect to be able to displace the present

members of the Admiralty board. Is, or can the noble lord be serious, when he makes such assertions? Surely not. Can he persuade himself, or rather, which is the truth of the question, does he hope to be able to persuade this House, or the nation, that men of a high and nice professional sense of honour, can be seduced from their duty by speeches and harangues made by his hon. friend or himself within these walls? Was there a member present, who believed, that the hon. commander of the western squadron, or the noble lord, the vice-admiral under the gallery, or that able officer sir Robert Harland, were the tools of opposition? Where was the temptation? What end of ambition, or resentment, or advantage, or lucre, could it answer? Or what speculative reasons could be urged, sufficient to justify such a defection? Such a supposition was utterly improbable, and unfounded in any motive which is supposed to operate upon human conduct, particularly when applied to the military service, where almost every thing dear or valuable to an officer, but his honour, must be sacrificed, and no one object whatever to balance it in the opposite scale.

The true cause of the present discontentments ought to be carefully examined into and investigated. There ought to be no side adopted in the discussion of so weighty and important a question. The malady existed; no remedy could be applied, till the seat of the disease was discovered, and its degree and probable causes decided upon. On the contrary, if it was permitted to gain strength, to take a deep root, and spread and insinuate itself into every part of the naval constitution, it would and must prove mortal.

The successive resignation of three great officers was not a matter that should be passed over in silence or lightly treated. The resignation of another very respectable officer, (capt. Levison Gower) nearly allied to a noble lord who at present presides in his Majesty's councils, (earl Gower) were circumstances which ought to create alarm in every man who had the interest of his country at heart. Parliament had a great interest in the services of such men, at such a crisis; that House, in particular, should act in the capacity of state physician. To remove the disorder, it was necessary to know what was the nature of it. Nothing it was possible to urge to the contrary would be sufficient to excuse any neglect. To refuse to en-

quire was to abandon the patient to his fate; or administering to him mere palliatives or quack medicines, instead of the most speedy and effectual cure.

He considered the present motion in that light, as the first necessary step; and he trusted, that every side of the House, for the sake of justice, and in order to avert the most fatal consequences, would unite as one man, to interfere, and endeavour to learn which side, the great officers or the Admiralty board, were to blame? If the former, in the language of the noble lord, had, in breach of their duty, suffered themselves to be made the instruments of faction, it was a short question; let them no longer conceal themselves under false pretences of ill-treatment; let them be held forth as objects of contempt and public indignation. If, on the other hand, those brave and deserving men had been sacrificed to personal resentments, party views, and ministerial intrigue, let the authors of so diabolical and nefarious a scheme of politics be removed from their present situation, and undergo a punishment suited to the magnitude of their crimes.

What pointed out the urgent necessity of such a procedure by that House, was this very important consideration, that the navy was our best protection, and the basis of our power, or indeed independent existence; consequently, it behoved us in particular to take special care that no evil was left unremedied in that service, on the execution and good government of which, the glory, great interests, and even salvation of this country almost intirely depended.

Lord *Mulgrave* denied that he made use of the words "little officers;" his expression being, that little factious emissaries endeavoured to get hold of officers in unguarded minutes, &c. His lordship entered into a defence of the Admiralty-board, both as to the framing the charge against sir Hugh, the constituting the court-martial that tried him, and the sentence given by that court. No accuser had appeared against the vice-admiral, the board had written a letter to the commander in chief, to know if he had any accusation; he answered, that he had not: the court had been legally constituted, according to the mode prescribed by the act of parliament: and as to the sentence, the hon. gentlemen were much mistaken or misinformed, if they imagined there was any part of the sentence or precedent pro-

ceedings which would not stand the most rigid examination.

Mr. Fox said, to the abusive part of the noble lord's first speech, he had but one answer to give, as applicable to administration in a body; that opposition were well warranted to reply to them, in the words of a celebrated author (Swift's *Gulliver*) a little altered and enlarged; where, at the conclusion of his well known travels, he says, He could bear them well enough in some respects; he could make allowances for their incapacity, ignorance, folly, corruption, love of place and emolument; he could pity them for their blunders, their wants, weaknesses, and gross stupidity; he felt for their miserable situation, knowing not whether to rush headlong on certain ruin, or retreat with safety: but despicable, unprincipled, and detested as they were, he had nevertheless learned to treat their persons with respect; yet when such men grow insolent and abusive, urged their claims of merit for what they deserve an axe: when he beheld such men, in the very midst of those dire disasters and national misfortunes, endeavouring to contend that those misfortunes do not exist; or if they do, that they ought justly and solely to be imputed to opposition; to see a lump of deformity and disease, of folly and wickedness, of ignorance and temerity, smitten with pride, immediately breaks all measures of patience; it being hardly conceivable, that so much pride, vice, and folly, could exist in the same animal.

Col. Barré said he would meet the noble lord's two arguments, in support of the constitution of the court-martial, by two precedents; one from the Journals, in the 18th of George the 2nd, and the other from the noble lord's own mouth. His lordship having said, that that House had no right to revise a court martial, or censure their conduct; the precedent proved, that such a revisal, and such a censure, had taken place and been passed, in 1745, on the court-martial who tried captain Norris for misconduct in the Mediterranean. The other instance insisted upon by the noble lord was, that the Admiralty-board had no discretionary power to excuse the attendance of any captain, should his senior rank in the service intitle or compel him to serve on the court-martial. In answer to this, the colonel alluded to the case of the noble lord himself, who a few days since, in that House, had publicly declared, that he had refused, though regularly called upon, to serve upon the

court-martial; adding that he would rather relinquish the service, however dear his ship's officers and crew were to him, than consent to sit upon the vice admiral's trial, lest he should be suspected of partiality. Here, then, were two instances; one to prove that the noble lord was no very exact disciplinarian in this line, and that his example did not serve much to prevent mutiny: the other, that the noble lord was convinced in his own mind, that he was not proper to sit, lest he should, with the best and most honourable and unprejudiced dispositions, in spite of his judgment, be imperceptibly influenced by what he thought, not by what he heard.

The noble lord had begged pardon for differing in opinion from his hon. friend behind him, (Mr. Burke) but with visible marks of passion said, that no discontents, mutinies, or disunion existed in the navy in general, or any one part of it. Now the truth was, that they did exist, and that to a very great degree; and further, that opposition was not chargeable with being the authors. He advised the noble lord to look nearer home. If the noble lord could gain admittance into the cabinet, a sudden peep, he believed, would be sufficient to convince him, that disunion, discontent, and mutiny, originated nearer the fountain head. There he would behold one minister contending for unconditional submission; another for the terms proposed by the commissioners to the American Congress; a third haranguing on public profusion and corrupt contracts; and a fourth defending both public and private contracts, no matter whether made openly at the board, or secretly with Mr. Atkinson in his lordship's own closet. In short, the noble lord, if admitted into the secret recesses of the temple, would behold nothing from day to day, that as a patriot he must not lament and earnestly deprecate. Even if his lordship possessed less public virtue, he must feel very sensibly for such a state of things, upon common motives of prudence, as a moment's reflection must teach him, that the disagreements of his friends contained in them the seeds of political dissolution, and of course would deprive this country, at least for a while, of the civil services of the noble lord.

But, without representing matter of this kind upon a trust or speculation, there was sufficient evidence before that House and the public, to shew that the cabinet was divided, and that our chief discontents were there generated. He had observed

it long; he would not rest the grounds of this assertion upon hearsay or opinion, but upon facts which came out in that House. When the commissioners under the act, called the Prohibitory Act, of 1775, were sent to offer terms to America, a right hon. military commander, who is now doing duty at his government, (general Conway) moved on the 22nd of May 1776,* an address to the throne, that the instructions given to the commissioners might be laid before that House, in order that, if they were not full enough, his Majesty might be empowered to grant specific terms to his American subjects, before the sword was finally drawn, never to be again sheathed, till the destruction of one or both countries should be effected. He recollected, that the noble lord in the blue ribbon, who had been reluctantly, he believed, drawn into this accursed American war, and who had, against his own judgment, been compelled to pursue it, said, "He was always of opinion, that rebels were to be treated with; that if any benefit could be derived to Great Britain, he saw no objection or difference, whether it was with a foreign enemy or with rebels; with armed rebels, or with rebels who had laid down their arms." What answer did the noble lord, the American secretary, make, who then, as he does now, sat next the noble lord in the blue ribbon? "That no commission could ever mean to send out instructions to treat with rebels in arms; that commanders both by sea and land were to carry on war with rebels in arms; how then could they treat with them? The noble lord cannot mean any such thing; I told him so in council; I told him that I differed from him; and conceive, therefore, when his lordship talks of treating with armed rebels, he means no more than to receive submissions from any colony, body of men, or individual, who should shew a desire to return to their duty; but to treat of the terms of submission, the noble lord must know, that no treaty could be entered into with rebels armed, or unarmed, respecting the measure of obedience, to be paid to the supreme legislature." Here then is the first minister of a great country, and the first minister of war, and minister for America, differing in parliament, on a matter of the very utmost importance. What did we hear lately from the same noble lords? but the noble lord in the blue ribbon abso-

lutely declaring, that we were bound to fulfil the terms held out by the Conciliatory Acts of last session, and the offers made by the commissioners, which accompanied them, and the other noble lord expressly contradicting him. Here then was faction, discontent and disunion, sown in the very vitals of executive government. How was it possible that any measures, so radically contradictory, could succeed? or that either or both plans could be carried into execution?

After stating these cabinet and parliamentary disagreements between the two noble lords, he represented them as newspaper authors, and paragraph writers. This he brought, he said, as a proof without doors, that their lordships carried their disagreements into print, and like other injured characters of great weight, sought that justice at the bar of the public, which each imagined his opponent had refused. Says one noble lord in the newspaper, "When the account of D'Estaing's sailing arrived in town, you were 50 miles distance." "No," replies the other, "I was but eight, and you were 20." Says one noble lord, in a flaming paragraph, "Your lordship is indolent; the American war would be effectually carried on if you had properly employed the means put into your hands." "No," says the other noble lord, in another flaming paragraph, "the blame is not with the treasury, but in the other departments, by which men are neither procured, nor vessels to carry them." After describing this paragraph war, carried on between the noble lords, in a ludicrous manner, he grew serious, and affirmed, that disunion, faction, cabal, and discontent, must pervade every inferior department of the state, when its source flowed from the inmost recesses of the national councils; and its appearance in print made its way in such a manner, as must have disgraced two quacks, contending for the superior virtues of their wonderful bolusses and pills.

Lord North denied that he and his noble friend ever differed in cabinet or in that House; they might have expressed themselves in a different manner, but their sentiments were substantially the same. He was, at the time alluded to by the noble lord, for treating with armed rebels. He would be so still in the same situation. His noble friend meant as he did; he meant to do what the Prohibitory Act authorized his Majesty's confidential servants to do. That Act gave no power to

* See Vol. 18, p. 1357.

treat of measures of submission; but it did not tie up the hands of the commissioners so as to prevent them from hearing what terms of obedience the rebels were ready to offer. To grant such terms was something very different from receiving and transmitting them home, to be considered and finally decided upon in parliament. The hon. gentleman had dubbed him an author and a paragraph writer. He assured him, that he never corresponded with the newspapers. He had not yet attained to that honour; and he was not so very desirous to appear in print as to commence a paragraph writer. He never did, nor believed ever would write a paragraph: and he added, upon his honour, that if any such paragraphs as those described appeared, he knew not who wrote them.

Lord *George Germain* avowed the same sentiments. He was much surprized that the hon. gentleman should lay so great a stress upon paragraphs in the newspapers. It was a very extraordinary proof indeed of the divisions which he supposed prevailed in cabinet. He could assure the hon. gentleman he knew of no such divisions. As to the matters alluded to in former debates, he said they were very improper to be introduced at present. He protested that he did not remember that he ever made use of the expression, "I differed from the noble lord in cabinet, and I told him so." It was unfair to repeat words casually dropped in debate; but he was clear that no such expression could have dropped from him, because he could never remain in a situation where he must be obliged, from his own opinions, to interrupt and obstruct the national councils.

After some further conversation, the House divided on Mr. Fox's motion: Yeas 78: Noes 157.

Debate on the Marquis of Rockingham's Motion on the distressed State of Ireland.] May 11. The order of the day being read for the Lords to be summoned,

The Marquis of *Rockingham* rose, and entered into a long computative and arithmetical detail, shewing the comparative ability of Ireland to bear burdens, to what it had been at former periods, not far distant. His lordship's opening was chiefly directed to meet such objections as he imagined might be made against the proofs he meant to adduce, of the real distress of Ireland. His detail was important, as it

presented two objects worthy the attention of the British administration, first, so far as the consequences might be supposed to affect them personally; secondly, as they might probably affect, and that in a most serious manner, the people of Great Britain.

He first stated the revenues of Ireland, the out-goings and savings in the year 1755, during the administration of the marquis of Hartington, afterwards duke of Devonshire, and proceeded regularly, through each successive administration, till he brought it down to the present viceroy, lord Buckinghamshire.

In 1755, and for some years after, the whole of the civil and military establishment amounted, for the two years, that being the mode of voting the parliamentary grants of that kingdom, to about 1,200,000*l.* on an average, 600,000*l.* per annum; whereas, of late years, the grants were little short of 2,000,000*l.* or 1,000,000*l.* per annum. At that period too, in the course of five years peace, the debts contracted during the preceding war had not only been paid off, but there was a surplus of 260,000*l.* in the national treasury, the greater part of which was applied to public uses, such as canals, churches, bridges, &c. in bounties for the encouragement, and promoting the extension of agriculture, arts and manufactures, land-carriage of corn, carrying it coastwise, to the Dublin society, linen manufacture, and the fisheries.

His lordship made a progressive statement of the grants and taxes, the civil and military establishments, and pension-list, under each successive administration—that of the duke of Bedford, lord Halifax, duke of Northumberland, and the lords Weymouth, Bristol, Townshend, Harcourt, and the present viceroy, in the course of which he shewed that the public expenditure imperceptibly increased in each respective branch. He stated, that a debt was necessarily incurred during the late war, the out-goings exceeding the public income. But what rendered the condition of Ireland a most extraordinary one indeed, and contrary to the usage of all other states under the sun, was, that after the peace of 1762, instead of paying off the debts incurred during the preceding war, they yearly continued to augment gradually and regularly, for the last 15 years of peace; a circumstance not paralleled in any country he ever heard or read of; nay, more, that the debt increased in opposition to new taxes.

Taxes, in the course of the last four sessions, were laid on; money was uniformly borrowed; and, at the end of the two years, when the national accounts came to be settled, fresh deficiencies appeared on each new loan, and fresh taxes were laid on, in consequence of them. In short, it was a mode of policy adopted, that of taxing and borrowing and pledging the public faith, till not a shilling more could be procured.

A tontine scheme, or a plan of paying an high interest on annuities granted upon lives, with benefit of survivorship, was the first: this not answering the exigencies of government, stamp duties were then laid on; and lastly, a vote of credit; notwithstanding which, such was the exhausted, impoverished state of that country, that no money could be procured upon so precarious a security. Indeed, the security amounted to no more than a mere national engagement that the public creditors would be paid some time or other; but that the funds offered as a specific security would prove equally deficient and unproductive, with those which had caused the very necessity of the desired loan.

The debt still continued to accumulate, and in the year 1777, the expenditure exceeded the receipts in the sum of 260,000*l*. So long as England continued in a prosperous situation, though Ireland was drained, she had recourse to this country; but such was the state of both countries, in the spring of 1778, although the revenues of Ireland were hawked about London streets, and offered to be mortgaged for the sum of 300,000*l*. a single shilling could not be procured or borrowed upon them.

After dwelling on these circumstances for a considerable time, he opened another head of argument, that of the immediate distresses of Ireland, which, he said, must in the end materially affect the commerce and manufactures of Great Britain. His lordship stated the average of the exports to that kingdom, both from Scotland and England, for the last eleven years, ending in 1777—From Scotland, upwards of three millions; from England, upwards of eighteen millions: or from Scotland, 300,000*l*. and a fraction; from England, 1,600,000*l*. and a fraction yearly; the whole making twenty-two millions, or upwards of two millions a year, British export. It might be said, does not Great Britain take the linen, provisions, &c. of Ireland in return? Certainly; but it was to be considered on

which side the balance lay, whether in favour of this or that country. He then, from authentic papers, shewed, that the balance of trade in favour of Scotland was above a million and a half, and in favour of England, above five millions, for the last eleven years. This led him to his grand conclusion, that of motives of interest; because, by the accounts, as last made up, it appeared that the export to Ireland for the last year had decreased one fourth: for in 1777 it was upwards of two millions, and in 1778 under a million and a half.

His lordship entered into several circumstances which came within his own knowledge, particularly in the West Riding of the county of York: by the last returns of the number of broad woollens manufactured in that district, it appeared that there had been 21,000 pieces less than the average of several years before, and 8,000 narrows, or forest cloths; that he had made it his business to enquire the reason, and found it had been the failure of the trade of Ireland. He had some time since conversed with a very considerable manufacturer in his neighbourhood, in the country, relative to the state of the trade of Ireland, so far as it was connected with the woollen manufacture carried on in the West Riding of York, who constantly every year went over to Dublin to take orders, and who assured him, that by a letter received from his correspondent in that city, he was warned not to come or send; for he could not ensure safety to either his property or person.

His lordship, besides the proof of the poverty of Ireland, by its daily incurring new debts; the insufficiency of the funds appropriated for the payment of interest and annuities, payable to the public creditors; the almost bankrupt state of the exchequer, and several other evidences of a similar nature; mentioned the circumstance of our being obliged to provide, in the committee of supply of the present year, 61,000*l*. for the pay of six regiments of foot, and one of dragoons, serving in America, or consent to have them disbanded.

His lordship then proceeded to enumerate the several petitions sent by some of the counties in Ireland, the associations at the Tolsel in Dublin, and at several of the county meetings, particularly at Cork, Kilkenny, Wicklow, and Roscommon, some of them expressly resolving not to import, or use, or purchase, any of the

manufactures of this country; others, less violent Cork in particular, not to purchase or use any goods, but such as were manufactured in that kingdom.

His lordship earnestly pressed the necessity there was for giving Ireland relief, upon every principle of gratitude, interest, and sound policy, and pointed out the danger of irritating the people, lest, by being driven to extremities, they might, in an act of despair, be forced into resistance. He expatiated greatly on their loyalty to the government, and their zeal and affection for the people of this country; it would therefore, as a mere matter of policy, be extremely imprudent to do any thing which might tend to estrange Ireland from her respect and veneration for her elder sister.

His lordship contended, that administration had neglected its duty towards Ireland; that all care and protection had been withdrawn; and that Ireland was precisely in that situation, which, if not speedily remedied, would, in the opinion of many, justify resistance. He said, the people of Ireland, by the most accurate computation, amounted to 2,300,000 souls, whereof 500,000 were believed to be Protestants, in the proportion of 300,000 dissenters to 200,000 of the established church. The Irish Catholics, it was true, had been favoured with some degree of religious toleration, and he was happy to say, so far as the example set by England could be supposed to operate upon the ruling powers in our sister kingdom, he took a share in the merit of that measure. On the other hand, so respectable and powerful a body as the Irish dissenters were, ought not to be treated with contempt and unkindness, as they certainly had been in one instance; he meant the clause inserted in the Bill for giving an indulgence to Roman Catholics, which clause was lost in the privy council of this kingdom. But he did not found his argument upon this or that distinction. People of all ranks, qualities, and religions there, were united as one man; they forgot all animosities and jealousies in the ruin which threatened them; and the great point of union and national cement which kept them together was, not to import, purchase, or deal in any article of the produce or manufacture of this country. In this part of his argument he censured ministers highly, for their total neglect of the defence of that country; and pointed out the danger of permitting the people

there to associate and embody in troops and companies contrary to law. When he said this, it was his opinion they had done very properly, in endeavouring to defend themselves when neglected by government. But ministers should have prevented the necessity of having recourse to such military associations; or if that was not practicable, in the present state of affairs, the people should have been legally commissioned and enabled to take arms. The matter now wore a very serious appearance; for though he was firmly persuaded, in case that country should be invaded by a foreign force, which was generally believed to be in contemplation, the Irish, with their usual loyalty and spirit, would defend themselves, and bravely repel the invaders; yet it was worth considering how far the same spirit might be exerted in resisting oppression and injustice from any other quarter.

After recapitulating the many and very important advantages we derived from Ireland, through the medium of our trade and commerce, the accession of strength she afforded in time of war, and the immense sums she remitted to her absentees, monies paid officers, pensioners, or spent on motives of pleasure or business, at the universities, inns of courts, appeals in law and equity, &c. he observed, how unkindly she had been treated in every instance, how cruelly and oppressively in some. He reminded their lordships of the compact made between both kingdoms in king William's time, when the parliament of Ireland consented to prohibit the export of their own woollen manufacture, in order to give that of England a preference, by laying a duty equal to a full prohibition upon every species of woollens or even of the raw commodity; and of the solemn assurance given by both the Houses of the British Parliament, that they would give every possible encouragement, and abstain from every measure which could prevent the linen manufacture to be rendered the staple of Ireland. But how had England kept its word? by laying duties or granting bounties to the linens of British manufacture, equal to a prohibition of the Irish, and at the same time giving every kind of private and public encouragement to render Scotland a real rival to Ireland, in almost every species of her linen fabrics.

After describing the private as well as public distresses of Ireland in the most feeling language, his lordship proceeded to contrast the deserts of the Irish nation,

whose loyalty kept pace with the extent and magnitude of the calamities they felt. He instanced, in particular, their friendly and affectionate behaviour since the commencement of the American war; the zeal and fidelity of that kingdom in the time of the two last Scottish rebellions; the uncommon efforts she made during the late war, and her uniform loyalty and attachment to this country in every trying exigency when engaged in a foreign war.

He said, he hoped, the importance of the object would strike every noble lord with the propriety, nay, the absolute necessity of his motion; that the House would treat it with that temper, coolness and moderation which it so apparently merited; and attend to it as a matter in which every man in the nation was most deeply interested. He trusted, that their lordships would not be led away by any partial ideas or narrow distinctions of local benefit or advantage, but meet it fairly as a question of state, in which both kingdoms had an equal interest. He would be extremely sorry that this or that town or district, that Manchester or Glasgow, or any other place, would supersede or render of none effect the wisdom of their lordships' deliberations. He wished farther, that on the present occasion, all party or personal considerations would give way to the general good, and that as they meant all the same thing, the interest of both kingdoms, their lordships would not entertain a second opinion on the subject. It was a great object, and should neither be lost, abandoned, or evaded. It had for some years been unfortunately too much neglected, but matters were at length arrived just at that critical state, which would render it not only unwise and impolitic to lose a moment, but would afford an instance of obstinacy and want of feeling, little short of political insanity. His lordship concluded with moving,

"That this House, taking into consideration the distressed and impoverished State of the kingdom of Ireland, and being of opinion, that it is consonant to justice and true policy, to remove the causes of discontent by a redress of grievances; and in order to demonstrate the sense which this House entertains of the merits of that loyal and well deserving nation, this House doth think it highly expedient that this important business should be no longer neglected, and that an humble Address be presented to his Majesty, that his Majesty would be graciously pleased to take

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the matter into his most serious consideration, and to direct his ministers to prepare and lay before parliament such particulars relative to the trade and manufactures of Ireland, as may enable the national wisdom to pursue effectual methods for promoting the common strength, wealth, and commerce of his Majesty's subjects, in both kingdoms."

Lord *Weymouth* opposed the motion on two grounds; because the House had no paper whatever regularly before them, relative to the distressed state of Ireland, which was held out as the ground of the motion that amounted to a matter of fact; secondly, because if a relaxation or appeal of any of the restrictive laws relative to the trade of Ireland should be moved, that could properly originate only in the other House. His lordship, after expressing his best wishes for Ireland, said, the matter at a future period might be taken up, and the necessary measures for affording relief to Ireland be adopted; but at present, without proof sufficient to warrant the terms in which the Address was couched, and without the means of originating specific relief, he thought it his duty to move the previous question.

The Duke of *Chandos*, after giving his opinion, that that part of the address which conveyed a censure or a charge of neglect in ministers, did not meet his idea, both because he thought with the noble viscount, that the House were not in possession of any evidence of the fact of neglect therein charged; and that he had a full confidence in the conduct of administration. He highly approved, in other respects, of the motion made by the noble marquis; and said, one principal cause of the distress felt by Ireland, was the continual drain from that country, in order to pay the great land-owners resident here, many of whom, in their whole lives, never spent a shilling in the country from whence they drew their incomes. That, he said, was a systematic grievance, which admitted of no remedy but a tax upon absentees. Though he possessed a considerable property in that country, he would cheerfully assist in any measure for giving the Irish that species of relief, for he was persuaded, that whatever else might be done to relieve them, if that cause of impoverishment should not be met in some way or other, the same principle would continue to produce similar effects, in a greater or less degree. His grace approved of the previous question, the propositions made by the noble mar-

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quis being such, as he could neither give a direct negative nor affirmative to.

The Marquis of *Rockingham* rose to take notice of some expressions which had fallen from the noble viscount in high office, and the noble duke who spoke last, affirming, that he had heard with much surprise the objections now started. He repeated, with some warmth, that Ireland had been cruelly and injuriously treated, and that it would present a mixture of folly and ingratitude, which nothing but the dullest obstinacy and ignorance could explain, if we refused to lighten those intolerable burthens which the restriction of our trade laws laid upon that loyal, affectionate, and enduring people. As an additional argument, why it was necessary and prudent in the King's servants to agree to his motion, he adverted to the formidable military associations now on foot in that kingdom; and desired to know if they had been informed of their nature and extent. This, he said, was a matter truly alarming, if the British government meant to adhere to their former system of oppression and injustice; and therefore it highly beloved ministers, if they were obstinately bent to throw every part of the empire into a flame, to seriously investigate the degree of resistance they were likely to meet.

With regard to the particular sentiments of the noble viscount and the noble duke, he confessed, he was unable to repress his feelings, when they imputed to his motion that it was so framed as to contain a censure upon administration. Nothing on earth was more distant from his thoughts, as he endeavoured all in his power to draw it up in such a manner, as to prevent the possibility of any objection that might arise on the ground of personality. When a motion was made a short time since for the removal of a noble earl (*Sandwich*) from his Majesty's councils, he did not at all wonder at his brethren in office rising to oppose the motion; "No, let our noble friend's crimes be ever so great, we cannot abandon him. We do not care a farthing about that; he is a pleasant companion, and we do not chuse to part with him." There was nothing extraordinary in all this; but it appeared to him very unaccountable indeed, how ministers should object to the giving relief to Ireland, for certainly any opposition to it could admit of no other fair or rational construction.

Viscount *Townshend* rose, he said, to defend his own administration against the general charge of an encreased establish-

ment, which the noble marquis said, at the opening of his speech, had gone on in a progressive state of augmentation since the viceroyship of the marquis of *Hartington*. He compared the establishment during his lieutenantancy with those of his predecessors and successors in office since the year 1763. In that year the civil establishment amounted to no more than 105,000*l.* in that of the earl of *Hertford* there was a small addition. In the administration of lord *Bristol* 8,000*l.* had been added. During his own administration, in the course of six years, from September 1767 to 1772, the civil expences were less by 8,000*l.* but since that the civil expences had risen to 137,000*l.*

His lordship, in expressions of the warmest affection for the people of Ireland, pleaded their distresses and deserts in very forcible language; said, he should be wanting in the feelings which gratitude ought ever to inspire, if he did not take the present opportunity of testifying his regard for them, and his earnestness to procure them every degree of redress and indulgence which their melancholy situation demanded, which justice dictated, and generosity and national gratitude rendered a positive duty on the part of a great nation.

His lordship adverted, in confirmation of those favourable expressions of the noble marquis, to the many proofs of assistance which Ireland had given in the course of almost a century to assist Great Britain in her wars; and contended, that all the public distresses she now felt were in consequence of her loyalty and affection, particularly her recent distress, which solely arose from the assistance she had given to this country in carrying on the war against our rebellious subjects in America. With regard to local or partial distinctions, he disclaimed them, as beneath a great and wise nation; they should never be permitted to mix in questions of such vast magnitude and extent as the present. He resided himself in a county full of manufacturers. His estate and property was within that county (*Norfolk*) and if the manufacturer was to be affected by granting any indulgence to Ireland, he must suffer his share of the loss; but though he wished them and himself every thing which could be derived from trade and manufactures carried on upon a liberal plan, God forbid he should, upon any motives of prejudice or self-interest, give countenance to measures formed upon a

narrow or partial scale of politics. He should, in point of union and national strength, ever consider England and Ireland as one country, and the people of each equally bound and connected by the same objects, the prosperity of the whole.

The noble marquis had dwelt upon one argument to induce their lordships to agree to the proposed address, which, he confessed, did not strike him in the same light it did the noble lord; that was the possibility or probability of resistance, in case this country should not think it expedient to enter into a consideration of the subject matter at present. That was an argument ill-founded, that should never operate upon his conduct, as a peer of parliament. He hoped, that their lordships would be induced to act upon principles of justice and humanity, from motives of affection and sound policy, and not from threats of resistance or compulsion on our part. But he would speak to the fact from his own knowledge; he believed, as the truest test of their affection, the Irish were no less remarkable for their patience and endurance than for their loyalty. He knew them well in every possible light they could be viewed, either politically or individually; and he could affirm from his own actual knowledge, that no provocation (such as had been alleged by the noble marquis) could drive them to any act of violence, tending to a separation or resistance to this country.

But if relief was not speedily given to Ireland, there was another motive more serious, and an event much more probable than resistance, which, he feared, would be the consequence of cold indifference and neglect on our part; and that was the people of Ireland emigrating to America, which would inevitably be the consequence. He had often taken the liberty to press that consideration on the House; and he was extremely sorry to find, that his early information respecting Washington's army had proved so fatally true, and that we had been in part baffled in our attempts to subdue our rebellious colonies, by the great number of Irish emigrants, who, driven by poverty and oppression from their native country, were compelled to enlist in the rebel army. He concluded with saying, that he agreed entirely in principle with the noble marquis; but that as to the motion, so far as it related to the form in which it was drawn up, he should reserve his ultimate opinion till a farther progress should be made in the de-

bate, and until he heard the opinions of others of his Majesty's confidential servants.

The Marquis of *Rockingham* rose to explain some matters relative to the independent corps and companies now in arms in Ireland. He said, they amounted to upwards of 10,000 men, all acting under illegal powers, under a kind of supposition that all government was at an end. This was one unanswerable proof to shew the neglect of ministers in the performance of their duty. Why were not those men embodied in the King's name? Why was not there a constitutional militia raised to answer the same purpose? In fine, why were not the gentlemen and yeomanry of Ireland put into some form, or under some regulation, which might subject them to a legal or constitutional controul? He was no less satisfied than the noble viscount of the zeal, loyalty, and fidelity of the people of Ireland. He was ready to go as far as the noble lord in every degree of confidence which prudence and sound policy would warrant, but no farther. He remembered the American war commenced in addresses and petitions; that when those were turned a deaf ear to, they were followed with non-importation agreements. He remembered that when Bills of pains and penalties were enacting in that House, a syllable would not be heard which seemed to tend to measures of lenity. The Bill was brought in in a hurry, passed in a hurry, and we ran in a hurry headlong to our ruin. To engage, therefore, for what Ireland might bear with patience, or to draw the line exactly upon what particular occasion or period of oppression she might resist, was a language which fatal experience had warned us sufficiently, he believed, not to put too great reliance upon. He called upon ministers to speak out, and recommended most warmly the necessity of giving Ireland speedy and effectual relief. We had lost the greatest part of America; we were fighting with a powerful enemy for all our distant possessions; Scotland was in a state little short of actual rebellion, and Ireland was united as one man against us, not to purchase a single shilling's worth of British property.

Earl *Gower* proposed a kind of compromise. He moved to omit that part of the recital of the noble marquis's motion which stated the existing grievances Ireland laboured under, and the neglect imputed to administration, in not taking measures for their removal. His lordship

pressed, the impropriety and danger of coming to too precipitate a vote upon a question of such singular importance. The very cure proposed, would, in his opinion, rather serve to increase than remove the disorder, which had been so fully and ably described. It ought to be seriously considered, that holding out false hopes or creating ill-founded expectations, which could not be gratified, would in the end promote those evils which it was the duty of parliament to prevent. He could never subscribe to the opinion, that adopting to the extent contended for, or agreeing to the claims of Ireland, would be the means of preventing rebellion: on the contrary, he feared it might produce the very reverse; if not in Ireland, possibly nearer home. This kingdom was to be consulted. The great body of British manufacturers had rights and claims of their own, which they would not readily part with, and though the arguments used by noble lords might seem plausible, he begged their lordships to consider, that perhaps the very measures which might promise to prevent a rebellion in Ireland, might prove the cause of an actual rebellion in England. He said there was no proof of several of the matters contained in the motion, and if there had, it did not appear that the distresses which Ireland felt were owing to the government of Great Britain, or the restrictions laid upon the Irish trade. If that part of the motion which took the facts as proved, and the inferences flowing from them, as self-evident, were omitted, he was ready to meet the noble marquis, and adopt the other part of his lordship's proposition; for at present there was no evidence before the House that the affairs of Ireland had been neglected, nor was the House in possession of any documents respecting the existence of grievances there, sufficient to induce them to come to the proposed vote.

The Earl of *Bristol* believed there was not a noble lord present who entertained the shadow of a doubt, that those grievances stated by the noble marquis really existed. He delivered himself very favourably in behalf of Ireland, and said he looked upon the Irish to be the most oppressed and injured people under the sun.

The Duke of *Manchester* declared himself of the same opinion; and said, he could never think of giving up the ground of the motion; for, what was it, if the people in Ireland were not labouring under

the greatest national distresses? and how could that be true, if ministers had not neglected their duty, by forbearing to grant them any species of relief? His grace urged the necessity of doing something effectual, and the doing it speedily, and that for the following important reasons. It was no secret, that France intended, in the course of the ensuing summer, to make an attempt on either, perhaps both kingdoms. He was well informed, that the first attempt would be made on Ireland. He had it from the best authority, that France would not appear as an enemy on the coasts of that kingdom, to commit hostilities, but to offer her alliance, friendship and protection, in assisting her to throw off the yoke laid upon the Irish nation by Great Britain: in short, she meant to hold out independence and a free trade. The mischievous policy of that ambitious people was no longer to appear as conquerors come to enslave, but as friends to succour and relieve; no longer as the foes but the friends of human kind, come to vindicate the rights of injured and oppressed nations. This was her policy respecting America, and this he feared would be her policy respecting Ireland. He had good reason already to believe that overtures of this nature had been thrown out, and that several French emissaries had been in that kingdom, in order to sound the dispositions of the people. This was the invasion and conquest of Ireland, which he feared, and which it was their lordships' business to adopt the most speedy and effectual measures to prevent. His grace therefore conjured ministers to interfere in time, and do every thing in their power to prevent France from acting so insidious a part, by removing those evils, the existence of which could only have given rise to so deep laid a scheme of policy and ambition. He was glad to see ministers shew any disposition to relent. He was fully persuaded of the necessity of convincing Ireland, that we were candid, and meant at length to be serious; but he nevertheless was of opinion, that a subject of such transcendent importance, involving in it such a variety of interests and objects, ought not to be lightly taken up, nor hastily decided on.

Earl Gower's motion being at length framed, it was suggested, that the original motion should be first withdrawn. [A cry of *Withdraw, withdraw.*] His lordship's motion was then read, after a few

words from the marquis of Rockingham, to shew the propriety of retaining that part of his motion respecting the distresses of Ireland, and was as follows :

“ That an humble Address be presented to his Majesty, to desire that his Majesty will be graciously pleased to take into his most serious consideration, the distressed and impoverished state of the loyal and well-deserving people of Ireland ; and to direct that there be prepared and laid before parliament, such particulars relative to the trade and manufactures of Great Britain and Ireland, as may enable the national wisdom to pursue effectual methods for promoting the common strength, wealth, and commerce of his Majesty's subjects, in both kingdoms.”

The Duke of *Grafton* said, though he liked the Address as first moved, better than as it stood amended, he would be ready to accept of it, sooner than run the risk of having a negative put upon it ; for though it took no retrospective view, it looked forward to what he believed was the universal wish of every noble lord present ; it pointed to redress, and for the sake of unanimity he was ready, for one, to adopt it.

The Marquis of *Rockingham* said, so far as the new motion pointed to future redress, he heartily coincided with the noble duke ; but however willing he might be to submit to the prevailing sense of the House, he could see no reason against declaring as an act of justice, and the best pledge of our being in earnest, that the affairs of Ireland had been neglected.

The Earl of *Shelburne* expressed his warm approbation of this motion ; he thanked the minister for this candour and fairness, and, reserving to himself the right of censuring administration for past neglect whenever that point should be proved, declared the motion should have his hearty concurrence. Ministry had begun at last a good work ; it would be attended with great difficulty and delicacy, but he wished to God they might get successfully through it. He was sure that the bare knowledge of such a motion would do good in Ireland. The people, he knew, were loyal ; and as to their being in arms, it was only an enraged mob, of whom there was not a man but would defend his country against the common enemy, should any attempt be made on it. As for the associations, they could do no harm to Great Britain ; and upon their knowing that government and the parliament here

intended them some relief, they would soon be dissolved. Besides, he would freely confess, that he did not believe our restrictions on their trade were the sole cause of the distresses of Ireland ; there were others which this motion would bring to light. With respect to the manufacturers of Great Britain, he had conversed with many of them, in different parts of the country, and had found them in general to be a wise and liberal set of men, from whom he had received great information : they were not averse to proper indulgences being granted to the Irish ; but they had been taken by surprise, without notice, by persons zealous in the cause of Ireland, who had alarmed them by representing that the Irish were to be allowed to import the raw materials for manufactures, paying less duty on them than the English, which would ruin the manufacturers of Liverpool, Manchester, Yorkshire, Norwich, and other parts of England ; but as soon as it was understood that the common interests of both countries was to be united in the regulation of their trade and intercourse, he was well informed they would be ready to agree to any alterations in the trade-laws of this country, that might improve the commerce and reciprocal advantage of both.

The Duke of *Richmond* endeavoured to shew that all local distinctions were the creatures of prejudice and selfishness. He said, that Ireland and England were in fact the same nation and people ; that any distinction made in favour of the latter was a species of injustice to the former. A great, a loyal, and a brave people, were not to be ruined, beggared, or oppressed, because Manchester thought this, or this or that country were alarmed. All those petty motives must cease to operate, nor be permitted to influence our public councils, which ought never to lose sight of justice and sound policy. His noble friend had talked of an Union. He was for an union, but not an union of legislature, but an union of hearts, hands, of affections, and interests, as had been well pointed by his other noble friend, who made the motion. This was his opinion, and he should ever prefer such a connection to any other which might give offence to the people, or be effected by means, however well intended, that would lie open to many objections. He had no objection to the motion, provided it was fully understood on every side of the House, and candidly declared, that immediate measures of relief

would be adopted; and that it was not merely thrown in the way to stop any effectual proceedings.

Earl *Gower* protested that he meant to act with candour. It was his wish, and it now became his particular duty; but it was impossible for him to speak with any degree of precision. It was a subject of great delicacy, called for great consideration, and he thought whatever might be done, it would not be prudent or politic to hold out to Ireland any promise which might be received as restraining the wisdom and deliberation of parliament.

The amended motion was put and carried *nem. con.* The Address was presented on the following day to his Majesty, who returned for answer, that "He would give directions accordingly."

May 27. The Marquis of *Rockingham*, previous to the going into the order of the day, rose, and desired that the Address of the 11th instant might be read, with his Majesty's answer, which being complied with, he observed, it was with infinite astonishment he saw that no one step had been taken in that important business, though more than a full fortnight had intervened since the Address passed unanimously, and adduced this circumstance, as a recent proof of the gross inattention of ministers to the duty of their stations. It was, he said, no less disrespectful to their sovereign and that House, than injurious to the peace, prosperity, and interests of both kingdoms.

His lordship then recapitulated his arguments on the former day, and, after urging them in the most forcible terms, stated several additional grounds of persuasion. He observed, that this fresh instance of duplicity or total neglect, would exasperate the oppressed people of Ireland, and work them up into such successive paroxysms of resentment, phrenzy, and despair, as might at length terminate in a civil convulsion, which would shake the government of these kingdoms to its inmost foundations. The manufacturers of this country had already, by their clamours without doors and interest within, proscribed the trade and commerce of their brethren in Ireland. Ministers had repeatedly broken their most solemn assurances, and amused them from session to session with promises, in order the more easily and safely to plunder them; yet Ireland, with an endurance unequalled in the history of any other state, and with a

loyalty not known or practised by any other people, still looked up with confidence to their sovereign and the British parliament in hopes of redress. That redress has been held out; but mark the consequence. A vote of both Houses, promising relief, has been solemnly given; his Majesty has sanctioned the promise; but ministers have determined to intercept the gracious dispositions of the crown, and the good intentions of parliament. This, he said, was a stretch of insolence or perverseness in ministers which called for immediate enquiry. The safety of the nation loudly demanded satisfaction upon this head; for most assuredly, if the sentiments of parliament, approved and confirmed by the sovereign, were to be superseded by ministers, the people of Ireland would then think that their fate was determined, and that justice and redress would be only dealt out to them in proportion to the means they might have of compelling it, and those means be suggested by their ability to resist a system of professed tyranny and oppression.

To demonstrate that ministers were no longer left a shadow of excuse, his lordship observed, that there had been two papers on the table of the other House, stating an account of the exports and imports between England and Ireland for the last ten years, which contained information worthy of their lordships' immediate attention, as they would shew that the interests of both kingdoms were inseparable, and that of course whatever affected one would surely affect the other. He concluded with assuring their lordships, that what he said proceeded from a sincere desire to warn ministers, not to censure them; to point out the very critical state of this country in respect to the present condition of her sister kingdom, and to endeavour to prevent evil, not to punish the criminal, as he always would prefer the prevention of evil to the punishment of its authors.

As soon as the Marquis sat down a profound silence ensued for some minutes, not one of the cabinet ministers, properly so called, being present. The Marquis rose a second time, and just observed, that he expected some one of the cabinet ministers would have been in his place to give an assurance that the papers alluded to would be produced on some short day.

The *Lord Chancellor* at length rose, and for some time kept the House in sus-

pence what his argument was meant to convey. At length he said, that if the papers were of that importance described by the noble marquis, his lordship had no more to do than to move for them. He said, that it was not usual for noble lords to argue upon papers not before the House or moved for. It might, or might not be proper to grant them, but whether or no, the noble marquis had no right to complain of the absence of his Majesty's servants. It was reasonable to conclude they were engaged in the business of their respective departments, which being the case, he doubted not but the noble lord would give sufficient notice of his intention before he would frame any motion; besides, if a motion was made and carried, probably it would be some days before they could be produced. He disclaimed all responsibility relative to the affairs of Ireland; said, he had not been consulted upon them, and could therefore give no opinion as proceeding from himself one way or the other.

The Duke of *Richmond* observed, that there was no great difficulty in the discovery the learned lord had made, that there was no motion before the House; the fact was self-evident, and his lordship might have spared himself a great deal of time and trouble, had he forebore to state what was known to every noble lord present. It was of very little consequence in whose department the blame lay, the question being why the papers had not been before now produced. It was some person's business, and that was sufficient to justify the complaint made by the noble marquis, of the manifest inattention of administration. The learned lord said, he had not been consulted. That was very little to the present question. If he had not, he dare say, his lordship would be.—It could hardly, he said, be possible that either his Majesty or his ministers were ignorant of the distresses of Ireland, or of its internal state, and the disposition of the people of that kingdom. He called upon the noble lord, or any other of his colleagues to say, whether they dare hazard a denial, that they had not been apprised of every thing material on the subject relative to the decay of trade, want of resources, decline and deficiency of funds, &c. in that kingdom. Was it possible to believe that the lord lieutenant of Ireland, at a period when almost all appearance of government had ceased, would have kept the King's servants in the dark, and taken the conse-

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quences on his own head? or that they should be the only persons who remained ignorant that the people of Ireland, goaded by calamity, misery and distress, by tyranny and oppression, were in a state little short of rebellion? It could not be. Besides, if his lordship retained any doubts, he entreated him to order the address of the 11th instant to be read, when perhaps, his lordship might find that the fact of national distress was stated, and the propriety and necessity of alleviating and removing it as solemnly declared. If so, then the affair was of a pressing nature, and called for the immediate interposition of Parliament.—His grace then adduced several arguments to shew the danger of obliging Ireland to trust to broken assurances, during the ensuing summer; to consider that that country might possibly be invaded during the recess, and the fatal consequences which might follow, if an invasion should take place in the midst of such a scene of national calamity and despair as she must be in, when all hopes of redress were over, at least for the present. For his part, he had ever been led to think Great Britain and Ireland as two provinces of the same kingdom, rather than separate sovereignties, and should ever continue to do so, notwithstanding the local prejudices of this or that part of the kingdom of Great Britain.—The noble marquis had complained, and he thought with great justice, of the absence of the King's ministers. It was a matter of amazement that their lordships were so seldom indulged with a sight of the only Secretary of State who had a seat in that House (lord Weymouth). The office of one of the secretaries had been so long kept vacant, that he was led to hope, that the King's servants in general thought the office unnecessary, and were determined to abolish it entirely. No doubt the moment was arrived when the most rigid economy ought to be observed in every department of the state; and, he trusted, they would set an example worthy of imitation in the lower departments of government.

The *Lord Chancellor* said, that it was extremely unfair to censure any noble lord for his absence, particularly the noble viscount, who had been alluded to, who was immersed in business of a kind extremely pressing and important. His lordship, it was well known, was particularly anxious and attentive to the duties of his office, and no less punctual in his attendance on

that House whenever matters of real consequence were to be agitated there. As to the possible events, which the noble duke spoke of, about invasions, &c. conjectures were not to be substituted as grounds of debate, or motives of policy in that House. Whatever the designs of our enemies might be, it was not for him to say; but he had no reason to dread any of the consequences which the noble duke seemed so much to dwell upon. There were two modes of proceeding, that the House were at liberty to adopt, which were to move for the papers described, and go into the consideration of the subject matter of those papers, or let matters remain in their present situation, till the papers and information were received from the lord lieutenant of Ireland.

Earl Gower said, the business now under consideration, was of a most serious nature, and could not be safely entered upon, without their lordships were fully informed of the subject in all its parts. He was nevertheless free to declare his own general sentiments without the least reserve, which were, that it would be impossible for their lordships, so late in the session, to come to any resolutions that would afford greater satisfaction or security, than the vote agreed to, and his Majesty's answer in consequence of those addresses. The thin attendance that might be expected at so late a period of the session, formed another great obstacle to the undertaking any effectual proceeding in a matter of such extreme difficulty, and that almost at the eve of a prorogation. The commencement of the ensuing session would, in his opinion, be the only proper time. As to the two papers before the other House, relative to the exports and imports from Great Britain and Ireland, he thought they would contain but partial evidence of matters of infinite variety, magnitude and extent; looking upon them in that light, he did not see any advantage their production would be of; because, let them be ever so clear and convincing in themselves, no measure whatever could be taken in consequence of them, unless they came connected and accompanied with other matter.

The Duke of Richmond agreed, that the business ought not to be entered into in a precipitate manner; yet the argument of caution and deliberation shewed, that while the noble lord recommended both, he tacitly acknowledged, that the reason why the business proposed had been postponed was because administration had de-

layed to a late period of the session, what ought to have been attended to, when there were full houses; in short they had used their own neglect, as the plea of procrastinating an enquiry, which they confessed was pressing and important. But, for his part, he could neither admit of the argument or the apology. The subject was much too important to be got rid of upon such frivolous pretences, however tedious, or troublesome. The going into it was an act of duty too binding upon every one of their lordships to be dispensed with; the ministry had no one to blame but themselves, should they be put to an inconvenience; and it was farcical to talk of difficulty or trouble, when perhaps the very safety, and all future political connection between both countries, depended on adopting or withholding any effectual measures for the relief of Ireland.—The noble lord on the woolsack spoke in high terms of the strength and resources of this country, and Ireland respectively, and concluded on that ground, that we had no reason to despond. He should be glad to hear, where the learned lord picked up the word 'despond?' No such idea as despondency had entered his thoughts, nor did he recollect that any thing like it had dropped in the debate. He was very far from desponding, if ministers adopted wise and just measures. Little, he hoped, was to be dreaded, if our affairs were properly conducted. If a single idea leading to despondency ever arose in his mind, it was only when he reflected, that wisdom, justice, and policy had long deserted our councils, and that there were so few prospects of success opened to our view, when it was considered who were to be entrusted with the guidance of our measures. But the learned lord had mixed two questions together of a very different and distinct nature. The anxiety of the noble marquis did not arise from the single idea, that Great Britain and Ireland, united in affection, and held by the tie of common interest, would not be able to defend themselves against their foreign enemies; but that Ireland, after suffering a series of acts of tyranny and oppression, and those acts continued, and all real redress refused, would be estranged from this country, and perhaps for ever dissevered from it. These were the grounds of the noble marquis's apprehensions, and the motive which induced his lordship to press the House to measures, which would immediately remove the discontents and jealousies, which

universally prevailed throughout the sister kingdom. The spirit of loyalty and resolution which had now broken forth in Ireland, ought not to be chilled by unkindness, or suffered to evaporate by neglect; the people of Ireland were distressed and impoverished, he might add oppressed, beyond measure; while they wished for an union of interest and affection with this country, they were not insensible of their ill treatment, nor quite free of resentment. He most earnestly exhorted their lordships not to permit them to be driven to despair, and contrary to their own inclinations, into the arms of rebellion: that kingdom was our most faithful ally and most powerful friend, and was not to be sacrificed to the blunders, the incapacity, and neglect of ministers. The people were valiant and loyal, they were high-spirited, and however patient and enduring, would probably, if something was not shortly done towards alleviating their present calamities and distresses, at length break out with a violence proportioned to the magnitude of their miseries, and to the extent of the injuries they had endured for such a series of years. His grace concluded with reminding their lordships, that a moment was not to be lost, and late as it was in the session, who ever attempted longer delay, would most certainly be responsible for the consequences.

Here the conversation dropped.

East India Company's Dividends' Bill.
May 19. Lord North unexpectedly moved, "That leave be given to bring in a Bill, for continuing in the possession of the United Company of Merchants of England trading to the East Indies, for a time to be limited, and under certain conditions, the territorial acquisitions and revenues lately obtained in the East Indies; and for continuing, for a time to be limited, so much of an Act, made in the 13th year of his present Majesty, intituled, 'An Act for establishing certain regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe,' as will expire in the course of the present year." As the affairs of that great Company could not receive a thorough investigation till next year, when a new charter would be requisite for them, the present Bill he thought necessary, and he should at the proper time propose it for twelve months; and should also recommend a clause for

preventing the Company from making a dividend of more than 8 per cent. in order that they might not disable themselves next year from giving that premium they ought to give the public for a renewal of their charter.

Mr. T. Townshend spoke against the motion, as made by surprise, when few members were present; and wondered much the noble lord had not mentioned it before the last adjournment, when the House were somewhat at leisure, and might have attended to it.

Col. Barré wished to know what was become of the negotiable securities on the India Company, by which 1,200,000*l.* were to have been raised, as the noble lord mentioned to the House when he opened his budget.

Lord North said, that the mode alluded to for raising the 1,200,000*l.* had not been approved by the Company; he therefore intended to raise that sum on the credit of the Exchequer.

Lord Newhaven wished to know to whom the territorial revenues belonged?

Lord North answered, that it was a point yet unsettled.

Col. Barré expressed his surprize, that a question of such importance should be moved in a thin House, though it was in fact both a little and a great question; it was a great question considered abstractly by itself, and it was a little question when put in competition with what it was intended to lead to. But little or great questions, at all times and seasons, whether in full or thin Houses, were, he said, the noble lord's triumph. He then took notice of the minister's interference in the concerns of the East India Company, and asserted that he had filched away the patronage of that great and opulent body.

Lord North said that the right hon. gentleman did him great injustice. Had he made the motion on any of the great days, he should have been informed, that he ought not to have done it when other great business was before the House. He was therefore obliged to make it when he could find an opportunity. He had never filched or sought the patronage. His situation, indeed, as a minister, gave him a sort of relationship to the Company, but the patronage of it was not in him. The crown, it was true, approved of their officers, because so directed by act of parliament; but the Company made choice of them, and the nomination of those that had

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been appointed had come from the directors of the Company. He had, he would allow, sometimes recommended, and his friends had sometimes been obliged, but the patronage of the Company was not in him.

Col. Barré repeated his words, that the noble lord had filched the patronage of the Company; for, when he invited them to borrow money, under the pretence of saving them from a state of bankruptcy, he saw how the noble lord was fishing for it. He desired his lordship to recollect if he did not, at that time, forewarn him of his designs, and whether he did not declare that he never wished to interfere with the Company. But how stood the case? The noble lord, indeed, had made bold assertions, but the patronage of the Company was with him. He had interfered in their appointment from the greatest to the lowest. He knew this, and he would prove it, if desired, at the bar of the House. He knew very well how the noble lord could play with a question, and twist it about. "His lordship is cunning, and though not of a slim make, will slip through your fingers, if you do not watch him, like an eel." He was here called to order, when lord North got up, and begged he might proceed, upon which colonel Barré, addressing the Speaker, said, he would sit down for ever before he would go on at the permission of the minister.

Mr. Serjeant Adair and sir G. Yonge respectively urged the impropriety of the motion. The first, because that no notice had been given of it; and the last, because it did not appear to have the assent of the Company. Leave was given to bring in the Bill. The Bill was brought in on the following day, and afterwards passed the Commons without debate.

June 10. On the order for the committal of the Bill in the House of Lords,

The Duke of Richmond rose to oppose it. He said parliament were bound by compact to the India Company upon certain conditions agreed to by an Act passed in 1773. By that Act, the Company being then in a state of actual bankruptcy, were supported by the public credit of the nation. It was then agreed that Exchequer bills should be issued by government to the amount of 1,400,000*l.* which was the amount of the debt the Company owed in the proportion of 900,000*l.* to government, and 500,000*l.* to the Bank. The prime condition of this loan was, that the Com-

pany should not, till it was discharged, divide more than six per cent. on their capital; that after that event should take place, they might divide seven per cent. and no more, till after they had paid off 1,500,000*l.* of their bond debts, and the Act was to continue in force till 1778, or till the conclusion of the then session of parliament; all these several contingencies had taken place. The 1,400,000*l.* borrowed upon the credit of government, was paid off; so was the 1,500,000*l.* bond debt; and lastly, the period to which the operation of the Act was extended, was on the eve of being terminated; he therefore thought the Bill now before their lordships was a wanton and oppressive interposition of the controul of parliament, because every motive for passing the last Bill had ceased. His grace farther observed, that the present Bill wanted a sanction the other had, for parliament took the affairs of the Company into consideration, upon an application for relief, on account of their then distressed circumstances; whereas now their affairs were in the most flourishing condition, and they had made no application to parliament either directly or indirectly. To restrain the Company under such circumstances, in order to extort assistance from them, was little better than public robbery; it could only be justified upon the ground of necessity, the tyrant's plea; and in his opinion would be productive of very bad consequences, and carried actual injustice on the very face of it. His grace found great fault with a passage in the preamble, which implied, or rather avowed, a claim to the territorial acquisitions made by the Company in India. This he said, was a claim made in an indirect manner, in order to establish a real claim upon it hereafter. He contended, that the crown had no right to the territorial acquisitions, as they had been granted to the Company, under the authority of parliament; nor could they now be appropriated to the service of the crown, without the grossest violation of parliamentary faith; but even though those territorial acquisitions might be divested out of the Company, it was to the last degree absurd to say they belonged to the crown, when it was well known that they must belong to the public.

The Lord Chancellor replied, that there was nothing new nor specific in the present Bill. It neither created nor asserted no right it had or might have. It was calculated merely for the purpose of continuing

the present law to the end of the next session. In the Company's distresses in 1773, they applied to parliament for relief. Parliament granted the relief desired, upon certain conditions; they were still in being, and the Bill meant no more than to continue those conditions in existence till the legislature had leisure to renew the old ones, to extend them, or enter into a fresh agreement. As for the expression the noble duke had quarrelled with, he could not see the least cause of objection. It was the language invariably used on such occasions. The crown represented the state, and held whatever was thus acquired in trust for the nation. No person thought or pretended to insinuate, that the crown had an exclusive property in those possessions. His Majesty in this, as well as many other instances, took by representation what properly belonged to the people, or rather to the state. This was called the *ius coronæ*; but it would be absurd, however, to say, that what he held in trust was a specific property, vested in him in his mere personal capacity, and which he could appropriate to his own peculiar use, without the consent, advice, and approbation of his parliament.

The House divided: Contents 25; Not-Contents 5. The Bill was then ordered to be committed. It passed without further opposition.

Debate in the Commons on Lord Beauchamp's Motion respecting the distressed State of Ireland.] May 26. Lord Beauchamp moved, "That an humble Address be presented to his Majesty, to desire that his Majesty will be graciously pleased to take into his most serious consideration the distressed and impoverished state of the loyal and well-deserving people of Ireland, and to direct that there be prepared and laid before this House such particulars, relative to the trade and manufactures of Great Britain and Ireland, as may enable the national wisdom to pursue effectual methods for promoting the common strength, wealth, and commerce, of his Majesty's subjects in both kingdoms." His lordship prefaced his motion with a very sensible speech on the wretched state of Ireland, and the necessity of holding out a promise to the Irish, that the commercial laws, of which they complained, should be revised by parliament, and such redress granted to them, as Great Britain was able to bestow.

Mr. Pelham seconded the motion, as

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the most proper that had as yet been laid before parliament respecting Ireland; but he said that Ireland should concur with England to relieve herself. A million and a half of subjects of Ireland were not attached to their country, because they had no interest in it; in case of invasion, not only they would, and indeed could not be zealous defenders of it, but perhaps might be dangerous enemies: and, indeed, it ought not to be wondered at, when gentlemen considered that in every possible change of affairs the Roman Catholics of Ireland were under such restraints, both as to religion and property, that they might be benefited, but could not be reduced to a worse state—a great temptation to a revolution.

Lord North declared, he would promote every possible enquiry, and obtain all the information in his power; but as to producing a plan for settling matters in a commercial line to the satisfaction of both countries, it was too rash, too bold an undertaking for him, since it was hard to say what would satisfy Ireland, that England could grant consistent with her own interest. He thought the complaints of Ireland rather ill-timed, as more had been done for that kingdom within these three or four years than for 30 years before. He however agreed to the motion.

Mr. Conolly said, the ministers ought to stand forth manfully, and stem the torrent of opposition to measures in favour of a country which their conduct had ruined. At the close of the late war, Ireland, far from being in debt, had 500,000*l.* in her treasury, and now, with an exhausted exchequer, she owed 1,100,000*l.*, exclusive of 700,000*l.* which she had borrowed on annuities; and in the next session of parliament he was convinced she would be obliged to borrow (if she could get the money) half a million more, so far had her expenditure exceeded her income. In a word, redress was become necessary; the volunteers, now in arms in Ireland, he would be bold to say, were to a man as ready to spill their blood in the cause of England, as that of Ireland; and he wished England had double their number as well clothed, as well armed, and as well disciplined; but, with all their loyalty, he would not be answerable for them, nor for any body of men who, with arms in their hands, felt themselves aggrieved and saw they had nothing to hope from the superintending power of the empire.

Mr. James Luttrell did not disapprove

of the motion, as it had first been made in the other House by his noble friend the marquis of Rockingham; but in that House he could not but consider it as a kind of ministerial compromise, a lame apology for doing nothing for the relief of Ireland this session. He asked why the parliament of Ireland had not been called together, to deliberate and send over their state of the nation to the British parliament earlier in the session? Why had not the noble lord moved this Address months ago? It was now too late, and the loss of Ireland might probably follow that of America.

Sir George Yonge desired not to be thought inconsistent in voting for the Address, as the most likely method of getting at the true state of the matter; but he thought the state of the Irish revenue should have been added: that was incumbent on the noble lord at the head of the Treasury; but he doubted if the Irish would have much hopes of a ministry who had reduced landed estates in England from 33 to 25 years purchase, and funded property from 89 to 60.

The Address was agreed to.

Debate on the Earl of Shelburne's Motion respecting the distressed State of Ireland.] June 2. The Earl of Shelburne rose. He began with stating the several instances of neglect, inattention, and designed delay, which ministers had been guilty of respecting Ireland, and then proceeded to the following detail. He stated, that in the year 1759, the public debt of Ireland was under half a million; that since that she had contracted 1,000,000*l.* funded, and 600,000*l.* unfunded, besides the 300,000*l.* borrowed upon public faith, for which no taxes had been yet appropriated; so that the whole debt amounted to full three millions in 20 years, 15 of which contained a period of a peace establishment, and, of course, a peace expenditure; but, contrary to every idea of good government and national œconomy, by much the greater part of the debt was contracted during the latter period; till at length the new taxes were unequal to the annual out-goings, and at present the receipts at the Irish treasury were short to the amount of 300,000*l.* per annum.

His lordship next took a review of the recent conduct of the King's ministers, which he condemned in very pointed terms, and confessed his astonishment, when he heard the noble earl at the head

of the council (Gower) say, that nothing could be done for Ireland till next session. Situated as affairs were, it would be dangerous to delay the business; the necessities of Ireland called for immediate relief, and it would be absurdity in the extreme to let the Irish remain unsatisfied, for seven or eight months longer. He considered the matter in different points of view, and said, that leaving the whole to rest upon a resolution so vague and indeterminate as that which had been carried in both Houses, and which, in fact, prescribed no specific line of procedure, might be construed into an intention to do nothing, but a mere design to get over the summer, to set the war upon its legs, and then to suffer the distresses of Ireland to remain unattended to, and unredressed. When the amendment to the noble marquis's motion was first proposed, he declared he was very far from having this opinion of it himself; on the contrary, he thought that ministry shewed rather more readiness than became them, and seemed willing to do too much; he appealed to their lordships, in whose memory he stood, whether he had not on that day been the single peer to cry out *doucement*; whether he had not stood up alone and said, "Gently, take care what you do, don't promise too much, for fear you should not be able to perform all that you say you'll do; if your performance falls short of your promise, depend upon it you will do more mischief than good, and exasperate Ireland more than ever." The resolution carried that day had already got over to Ireland, and there would certainly be two opinions upon it; the severe and cautious men, naturally prone to doubt, would say immediately, "This is nothing, this is mere fallacy; government being afraid of us just now, have done this with a view to quiet us for the present, and when they have at all surmounted the difficulties in which their affairs are involved, they will, as usual, turn a deaf ear to our complaints, it being evidently their intention to give us no relief, if they can possibly avoid it." Another very different opinion would doubtless prevail with those who were inclined to think better of government and this country; they would say—"Stop, don't go so far, read the resolution again; good God! was it not carried unanimously in both Houses of Parliament? Did England ever do so much for us before? Only see the drift of it, see the wording of it, and consider that the whole has been done

in the most kind and flattering manner possible."

His lordship placed these two opinions in contrast, and appealed to the House, whether in common policy and prudence it would not be right to encourage and support the latter, and give as little room as possible to warrant and countenance the former? What would prove most fatal to this, he declared, was the language of a noble lord in another place. The premier had said, that no individual could form a plan for the relief of Ireland; that it was out of his power; that next session the proper accounts should be laid before both the English and Irish parliament, and the business must be done by them; but that he did not think the complaints of Ireland well timed, for that this country had done more for her within the last three or four years than had been done for her for thirty years before. His lordship said he had turned this language again and again in his mind, and he was yet at a loss to divine the meaning of the noble lord. He was sure, however, it would give most serious alarm to the other kingdom; that they would construe it as an indication that nothing would be done for them; that the two parliaments would be suffered to rub against each other, prejudice and jealousy to meet prejudice and jealousy; and that the minister, whose essential duty it was to reconcile all differences of opinion between the two countries, to smooth the minds of those who were inclined to be ruffled, and to pacify and quiet the uneasy, only took upon himself the office of clearing the stage, and letting them dispute it out among themselves. What could the noble lord mean? Did he wish for a new war to mis-conduct, in order to procure new reversions for his family? Had he another wanting progeny to provide new honours and new emoluments for? Or was it to a different motive, a motive which he had heard frequently mentioned, that he was to ascribe his earnestness to get rid of the business? Was it to his indolence and his love of ease? Did the noble lord long to be at leisure to feast on turtle? He remembered when he, some years since, had the honour to be an unworthy member of administration, a noble viscount, then in opposition, attacked them, and called them a boiled-chicken administration. He was as much warranted to term the present a turtle administration, and he was sure the turtle

administration had done this country as much injury as the boiled-chicken administration had done it good, and that was saying a great deal.

Having talked thus ludicrously for some little time, his lordship reverted to serious argument, and desired the House to recollect, that the American war had commenced upon less provocation than this country had given Ireland. The simple idea of the right of taxation had caused it. Let their lordships reflect, that from the time of the remonstrances of America, to her declaration of independency, was only eleven months. Let them look at the language of Ireland at present, they would find it much higher than that of America had been at the time he mentioned; let them consider, that in every point of view, Ireland stood more forward now than America had done immediately previous to the origin of the war, and let them ask themselves, if it was wise to suffer Ireland to remain in discontent, for seven months longer? Let them also turn their eyes to the situation of this country with foreign powers. Without an ally of any kind, engaged in a war of the most alarming sort, and at the same moment having the only friend on whom this country could place confidence, or from whom she might expect to draw her resources of men, and reasonable resources of money, in a state of jealousy, ripe for alienation, ready to rise, and with ten thousand armed men in her kingdom, under no controul of government. Where was now our sentimental ally, about whom a noble viscount (Stormont) had lately said it was improper to speak, urging that the friendship of great states, and the friendship of private persons, were governed by the same principles, and therefore it was as unfair to distrust the good faith of the one, as it would be to distrust the sincerity of the other. Was it not known that all negotiation was at an end; that Spain had given up her mediation? He declared, he had a high opinion of Spanish honour; the ministers of that country were great and respectable characters; they always acted nobly and fairly; if therefore he might guess at the language of Spain to this country, it had been very different from what had been circulated under the countenance of administration. He believed Spain had said explicitly, "We wish for peace ourselves, but you must either make peace on the terms that are offered you, or we shall be obliged to take part in the war against you." Spain

was not, in his opinion, to blame for her conduct. Where were our other allies? The business of the northern courts had been so ill-conducted by the ignorant persons to whom it had been entrusted of late years, that we had not a friend among them. Even the court of Petersburg, in which there had been so strong a predilection, so violent an inclination to serve this country, had been obliged to wean itself, and the spirit which we ought to have cultivated and encouraged, had been sufficed to evaporate entirely. We had let France make a peace for Russia with the Turks, and permitted her to load the empress with favours. Where was the king of Prussia, our old ally in the last war? He had taken no part for us; he would take none. He knew us too well; he knew the little politics of our court, the narrow system of our cabinet; he was too well acquainted with both, to trust the present ministry. After saying a great deal respecting foreign powers, his lordship drew his argument nearer home, and remarked that the eyes of many were turned upon the nature of the connection between this country and Ireland; that he had lately read a very able and masterly pamphlet; he knew not who was the author of it, but it was called a "Letter to sir William Blackstone," in which the whole matter was stirred, the principles of government investigated, the practice of it, with regard to Ireland, considered, and the propriety and reason of both the principles and practice of government, in that respect, very freely, but very fairly discussed and argued.

Having enforced the necessity of immediately beginning the business of examining into the state of Ireland, and declared, that by admitting the distresses of the country in the motion for the Address of the 11th of May, every thing done, and every thing said by Ireland up to that day, was ratified and sanctioned, his lordship read his motion, viz. "That this House do present an humble Address to his Majesty, requesting that his Majesty would be graciously pleased to order to be laid before this House, 'an account of such steps as have been taken in consequence of the Address of this House of the 11th of May, and of his Majesty's most gracious Answer thereto;' and humbly to recommend to his Majesty, if his royal prerogative, as vested in his Majesty by the constitution, be not adequate to the

relief of the acknowledged, distressed, and impoverished state of his Majesty's loyal and well-deserving subjects of Ireland, that he would be pleased to continue the parliament of this kingdom as now assembled, and give immediate orders for calling forthwith his parliament of Ireland, that their just complaints may be fully considered and remedied without delay; that the wonted union of affection may be preserved between both kingdoms, always desirable, but in the present situation of public affairs absolutely essential and indispensable to the preservation and welfare of both; and that the united strength of Great Britain and Ireland may in due time, and with due effect, be exerted, under the blessing of God, against the common enemy."

This motion, he declared, he wished not to move, unless he was obliged to it; that he would leave it on the table till Monday, or any future day, for the consideration of ministers; he only wished them to see the necessity of not deferring the business till the next session; and he the rather pressed it, because they might very easily proceed without delay; that the business might be done without calling a parcel of merchants and manufacturers to the bar; that as far as he could see, it would not rest merely on their evidence. Having said this, he took occasion to ridicule the present enquiry in the other House of Parliament, and said, it was falsely called an enquiry relative to America; that it was no such thing; that it was merely an investigation, whether the American secretary had treated generals Howe and Burgoyne with necessary civility and politeness, and whether the generals had returned the civility and politeness to the American secretary. He observed, that a parcel of lawyers, the Attorney General, and the Judge Advocate at their head, were the persons who put the principal military questions; that *communis* took upon them to enquire whether the generals pitched their camps in such a position, or crossed the river in such a direction; how they formed their line, and where they placed their park of artillery. In like manner he imagined, if in the course of enquiry relative to Ireland, it should be found necessary to call merchants to the bar of that House, the military officers would be the members employed in asking questions about trade.

By way of still farther pressing the matter, his lordship declared, that if mi-

nistry did not propose some immediate step of themselves, or accede to his motion, he should consider their conduct as an indemnity for every thing that might happen in Ireland between this and the next sessions. His lordship concluded with repeating his declaration, that he did not wish to press his motion, provided ministers would take some step immediately to convince Ireland of the sincerity of the intentions of government towards her, and asserting, that he had not any motive whatever for his present conduct but the interest of the empire; that he had no wish to obtain the place of any one minister, that he urged them to act in the business immediately from the best motives, and that it certainly would be easy for them so to do, when they were, as they would be, supported by one of the most active oppositions ever known in this country.

Lord Stormont rose to reply to the sarcasm thrown out by the noble lord who spoke last. He never called Spain a sentimental ally, but was ready to repeat the words used upon that occasion, which substantially imported, that it was the interest of Spain not to enter into the views of France, and that it was neither prudent nor politic to distrust the avowed friendship of great nations, unless it was known that their declarations and actual conduct were contradictory to each other. He replied likewise to that part of the noble lord's speech, which related to the conduct of the court of Vienna; and entered into a personal exculpation of himself. His lordship declared, that if the question should be put on the proposition, he would vote against it.

The Lord Chancellor objected to the noble lord's proposition. The chief argument his lordship urged in support of his opinion, was the manifest repugnancy between the proposition, and the Address of the 11th of last month; for while the great object is pending, and preparatory steps taking for the final adjustment of the respective rights and interests of both countries, what does the proposition, if moved in the shape of an address, import, but that the House was, without any previous information, to come to a specific vote blindfolded? This was a mode of proceeding to which he could never lend his approbation. It would frustrate the wise intentions of both kingdoms; and both addresses appearing to him manifestly contradictory, he hoped the noble

lord who submitted the paper to their lordships' consideration, would consent to withdraw it.

Lord Camden doubted much whether the learned lord on the woolsack understood the motion he had so fully commented on. Circumstances had altered since the last day; the people of Ireland were in a ferment; he would not say ripe for insurrection. Something had been promised; nothing had been done. The language of ministers, particularly of the noble lord in the other House, at the head of the finances, is, "Nothing can be done in time;" the learned lord confesses it, though he has not used the very words. What, then, will be the probable result of such a conduct? The patient dies, while the physicians are consulting what to prescribe; the people in the last stage of anguish and despair call for immediate redress. What, on the other hand, does the present motion ultimately tend to? That the parliament of Great Britain, instead of empty, general promises, a hundred times violated, and on which, of course, Ireland cannot depend, call for some substantial proof of British or ministerial sincerity. "Give us some one instance, to shew that you are sincere and in earnest," say the people of Ireland. "Call the parliament of both kingdoms, to consult and deliberate in their respective assemblies," echoes the address, "in order to come to some specific proposition, before it be too late; or if that be thought too much," says the address, "let us make some progress; let the necessary documents, on both sides the water, be procured; and let us, at a season of more leisure, proceed upon some specific propositions, intended as the basis of all future proceedings; by which means Great Britain may determine on the great line, though not the detail, of her intended concessions; and Ireland may know what she will have reasonable grounds to expect."

The Duke of Chandos professed his warm feelings for the distresses of Ireland. Attached to it by sentiment, and connected with it by interest, no noble lord would go greater lengths in giving early and effectual relief; but from these very considerations, he was cautious in taking any sudden step, or adopting any hasty, immature line of measures that might fall short or go beyond that medium, on which alone the separate and aggregate interests of both kingdoms must for ever depend. His grace did not express his assent or dissent

to the proposition laid upon the table by the noble lord.

Viscount *Weymouth* disapproved of the proposition, because it contained an implied censure on government, which they by no means deserved. It pre-supposed two things; that ministers and this country were averse to the giving any relief to Ireland; and although parliament was well disposed, that ministers had neglected to comply with the terms of the former address. He could assure the noble lord who had laid the paper on the table, that both parliament and ministers were extremely desirous to give the most early and effectual relief to Ireland in their power. He had written to the lord lieutenant of Ireland for such papers as could be procured; and nothing but the time necessary for their production, prevented them from being, before now, under their lordships' consideration.

The Duke of *Manchester* said, he had the highest opinion of the loyalty of the people of Ireland, in case the French landed. He had no fears, that the 12,000 men now illegally armed in that country, would join with a foreign invader. By every thing he could learn, they were too much attached to sentiments of liberty, ever to submit to a foreign yoke, much less assist in rivetting their own chains. The alarm created in his mind was of a very different nature. It was the new adopted policy of France, not to appear as an invader of the rights and liberties of others, but the protector of them, the friend of human kind, and of public, at least of municipal, liberty. The French creed respecting the dependencies of the British empire, was independency, freedom, no restrictive laws upon trade; an exercise of natural rights, restrained only by law and liberal policy. On this system the great outline of French politics had been newly modelled; and he had certain information that French emissaries had been in Ireland for some time past, endeavouring to alienate the minds of the people there, as they had so effectually done in America. Whatever the real intentions of France might be, if she should effect the landing of a considerable force in that kingdom, he had every reason to be persuaded, that it would not act as an enemy, however it might be received; in his opinion, therefore, it was indispensably necessary to adopt such speedy measures as might promise to defeat impressions, which, if not timely counteracted, might, from circumstances of actual mi-

sery, and the despair arising from it, be productive of the most fatal consequences.

Earl *Gower* said, the object, if rightly understood, and properly pursued, was one of vast magnitude, and must of course involve in it a great variety of considerations. Ireland, he allowed, was in a very distressed condition, but he could never think she had any grievances to complain of, if the term was applied to this kingdom. The traders and manufacturers of Great Britain had interests to forward, protect, and preserve, as well as the traders and manufacturers of Ireland. They must be permitted to state them, and be heard in their support. It was to be presumed that the Irish parliament would adopt the same mode. Such a mass of important matter must take great time to adjust, separate, and conclude upon. It was not the work of a day, a week, or a much longer time. After the materials were arranged, it would require great deliberation to devise the most proper means to lead to a wise and happy decision. It would call for great labour, industry, and unremitting assiduity, before the interests of both countries could be ascertained, and fairly placed on the same basis. Great stress had been laid upon the exigencies of the times: he was willing to acknowledge that they were pressing, critical, and dangerous; but if this argument be pushed too far, may it not be fairly asked, will you, to prevent a rebellion in Ireland, give cause, perhaps, of a rebellion in England? No, to prevent a rebellion in either, do justice to both; give relief to one, and the interests of both will be inseparably and permanently connected. His lordship proceeded to point out the inconvenience, as well as inefficacy, of keeping parliament sitting during the summer and autumn by short adjournments. By the Journals, he observed, that late sessions were always thinly attended, be the business ever so important; and if the reports of an intended invasion should be realized, many of their lordships, and a great number of the members of the other House, who bore commissions in the militia, would necessarily be absent from their duty in parliament. The parliament of Great Britain stood solemnly pledged to the Irish nation, by an unanimous vote of both Houses, followed by the King's answer, which was a pledge given by every branch of the legislature; nor did he see from the lateness of the session, and the mass of matter to be enquired into, how it was possible to give any more satisfactory assurance.

The Earl of *Effingham* alluded to what fell in the course of the former debate on the present subject, and with great ability endeavoured to shew that himself, and several noble lords, pressed the necessity of letting the address go in its original form, and not to agree to the amendment moved by the noble earl who spoke last, and reminded his lordship, that when doubts were started, that nothing timely or effectual was meant to be done for Ireland, his lordship substantially replied, that if not all, something would be done for Ireland before the rising of parliament. His lordship pressed most earnestly the necessity of taking some steps, in order to allay the ferment, soften the resentments, and quiet the minds of the people of Ireland.

Viscount *Townshend* spoke in favour of the motion; described the disposition of the people of Ireland; the sentiments of the Established Church, the Dissenters, and the Roman Catholics; the state of the army; the number of people illegally armed there; the face of the country; its rivers, fortresses, &c. from all which he shewed the imminent danger of the French landing there in a hostile or friendly manner. He then drew a comparison between our conduct towards Ireland and America. The first, loyal, affectionate, patient under the greatest miseries and oppressions; the latter factious, rebellious, ungrateful, and perfidious, in the midst of plenty, and after receiving a series of accumulated favours. What is our conduct towards them? They only sue in the most humble and dutiful manner, to loosen the fetters that gall them, and rankle by their intolerable weight, and eat to the very bone. What is our answer? Break your chains if you can, or perish. What is the answer to the haughty and insolent demands of the traitorous Americans, leagued with an inveterate and ambitious enemy for our total destruction; who have already drawn so much of our best blood, and have been the cause of our spending so many millions of our treasure, wrung from the very vitals of the people? You shall be free; you shall pay no taxes; we will not interfere with your internal government; you shall be bound by no restrictions on your trade and commerce. After contrasting those circumstances in a very pointed manner, he shewed the impolicy and injustice of delaying to grant with a good grace, what, if refused, must be the consequence of even an accommodation with America; namely, that after

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the conclusion of the present war, the people of Ireland would migrate to America, in pursuit of a free trade, and a milder and happier constitution; that they would carry thither their manufactures, which wanted nothing but the circumstances he had mentioned to bring them to perfection; that of course the only question was, whether trade and commerce, a fruitful soil, and numerous inhabitants, bound to this country by every motive of affection and interest, were preferable to the same riches, industry, and effective strength, just as much in our power to every good or wise purpose, as if they resided within the island of Great Britain? His lordship then entered into particulars, and deprecated the consequences which, he foresaw, would immediately follow a refusal on our part. Supposing we were able to spare such a force as might promise to keep the people there in awe, 12 or 15,000 men encamped in the southern, centre, or northern part of that kingdom; if for instance the importation of all commodities of British growth or manufacture should be prohibited; or suppose, on the other hand, that the people should resolve not to permit the exportation of beef or butter. What will our manufacturers do in one instance, what will our fleets and distant armies do in the other, if a general defection among the body of the people, even among the very magistrates, should prevail? Why, while your army in the north may be employed in quelling insurrections there, your imports and exports will be suspended; or while you are favouring, by a military aid, the export of provisions in the south, your import in the north and centre will be stopped; and so *vice versa*.

The Earl of *Bristol* pledged himself, that if the proposition on the table should not be accepted of, or if it should be taken off the table and receive a negative, he would bring the question forward in some other shape before the rising of parliament. After condemning ministers in very strong terms, and representing their conduct as equally fraught with treachery and incapacity, he said, he knew he had been grossly misrepresented by some of them to his sovereign, who were tale-bearers and whisperers; but he defied their arts and their malice. He loved his sovereign and ever should; he revered his virtues because he was well acquainted with them; but he regarded his duty to the nation at large, and prized it superior to any other consideration. He told his mind freely

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like an honest man; he gave an account of the state of the navy; he knew what it was; he knew what it ought to have been; he knew it was now inferior to that of France; and he affirmed, that it was that circumstance alone which was the cause, and the sole cause, of all the dire calamities with which we were now threatened. He reminded their lordships what he said the last day he had the honour to trouble them on the affairs of the navy; what was the naval strength, and the real disposition of the court of Madrid. All mediation with Spain terminated on the 17th of last month. Spain, if not already a declared enemy, was proceeding directly in the path leading to it; and for his part, unless other measures were suddenly adopted, and other men as suddenly called to the helm, sanguine as he was in his hopes and expectations, he saw nothing but the certain approach of national ruin and disgrace?

The Earl of *Shelburne* replied to the objections which had been made from the other side of the House; and said, if ministers persevered he should be obliged to take his proposition off the table, and move it by way of address to the throne.

The *Lord Chancellor* repeated his former arguments, and said, if the motion was made, he would meet it with a direct negative. He did not wish to take the lead, nor pretend to determine upon matters of state, which were foreign to his studies and habits of life; but on the present occasion would act for himself.

The Duke of *Richmond* replied, and upon the ground of delay said, he was free to acknowledge that his plan of measures would be short, unembarrassed, and direct; he would be for having all the restrictive laws on the trade of Ireland repealed without reserve, and have both islands, in respect of common interest, the same, without local distinctions of any kind whatever.

The Earl of *Shelburne* took his proposition off the table and moved it regularly. Upon which the House divided: Contents 32; Not Contents 61.

Proceedings in the Commons relating to the Enquiry into the Conduct of the American War.] March 29. On the motion of sir William Howe, a Committee of the whole House was appointed to take into consideration the Papers which had been presented relative to the Conduct of the American War.

April 22. The House having resolved itself into the said Committee, Mr. Frederick Montagu in the chair,

Sir *William Howe* rose and addressed the Committee as follows:*

If the peculiarities of my situation be considered, I shall not be thought presumptuous in desiring the indulgence of the committee during the trespass I must this day commit upon their patience. The repugnance of his Majesty's ministers (in this House at least) to declare any opinion concerning the transactions of the American war during my command, although possessed of all the necessary, and only, documents, upon which a judgment could have been formed, impelled me to move, that my correspondence with the Secretary of State for the American department, might be laid before you. The most material parts of my conduct, the reasons upon which I acted, the plans which I suggested and executed, appear in that correspondence; and therefore to those who may have connected the whole in a regular series of dates and events, the detail into which I propose to enter may seem unnecessary. But I cannot flatter myself that the papers have been considered with such minute attention, nor can I presume to suppose, that all the circumstances of the American war have been investigated with the partial view of clearing the conduct of the man who commanded the army. And, Sir, it is with that partial view I now rise—for I mean not to call in question the justice, nor the policy of that war; I mean not to call in question the expediency of measures which have been framed, relaxed, or persevered in, by the councils at home. My object, at present, is confined to the explanation of my own conduct. Many are the censures that have been passed upon me. The misrepresentations and false arguments of my enemies have made a deep impression upon minds too prompt to decide; whilst an ignorance of the true state of facts has left the unprejudiced in doubt. Those who alone could do me justice, have been silent; and, therefore, to the judgment of this committee, and to the impartiality of my country at large, I at last resort, flattering myself with the hope of an ample justification. In the

* From the original Edition, prepared for the press by sir William Howe, and published by Baldwin.

course of the great variety of business which fell to my lot, during such a wide and extensive command, faults must undoubtedly be perceived, but none, I hope, which can be suspected to have arisen from want of zeal, or from inactivity. In all military transactions, but more particularly in those of America, where the nature of the war, in all its points, is without example, the happiest commander will be he who escapes with the fewest blots.

The facts to which I principally wish to turn the attention of the committee, and which the papers upon your table bear witness to, are, 1. That I did not neglect to furnish the minister of the American department with every information, as well as with my ideas, relative to the conduct of the war, from time to time. 2. That I did not fail to give my opinions respecting what appeared practicable to be done, with the succours required, or expected from Europe, and with the force at different times on the spot. 3. That my plans were carried into execution with as little deviation, as, from the nature of military operations, could have been expected. 4. That I never flattered the minister with improper hopes of seeing the war terminated in any one campaign, with the force at any one time under my command.

I shall now beg leave to trouble the committee with a narrative of those material operations of the war, which may lead to an impartial judgment upon my general conduct; which may obviate misconceived opinions concerning particular events, and which, with some few remarks upon the several passages of the correspondence as they arise, may elucidate the truth of the facts premised.

The evacuation of Boston was the first material occurrence, after my appointment to the command of his Majesty's forces in North America. On the 9th Nov. 1775, I received the Secretary of State's order, dated 5th Sept. to abandon that town before winter, and to move the army to New York, or to some other place to the southward; my own reasons, indeed, against opening the campaign from Boston, had been in the mean time generally set forth in a letter to his lordship of the 9th Oct. The late arrival of the order, and the deficiency of transport tonnage, rendered the removal of the troops impracticable till the 17th March, when I embarked with about 6,000 rank and file, fit for duty, and about 900 sick.

It has not been insinuated, that any disgrace was brought upon his Majesty's arms by the manner in which that town was evacuated. My letter of the 21st of March 1776, accounts for my carrying the army, with the incumbrances then belonging to it, to Halifax, in preference to any other port. Concluding that the reasons there given are satisfactory, I do not trouble the committee with any farther explanation, except, that I think the army, by going thither, received great benefit, not only from necessary refreshments, but from the opportunity of being exercised in line, a very material part of discipline, in which we were defective until that time. I might also add, that the troops performed very essential service at Halifax, by constructing redoubts, and other strong works, for the defence of the town and dock, which could not have been executed by the garrison.

My letters go on to show how the army was disposed of previous to the landing upon Long-Island, while waiting for the arrival of the troops from Europe, and from the expedition against South Carolina. That intermediate time, as I do not recollect, amongst the multiplicity of anonymous publications against me, any fault has been imputed, I pass over; remarking only, that from the violent heat of the weather, little active service could have been done, and that such service would probably have been attended with much sickness to the troops. I beg leave here to say, that although, to save the time of the committee, I may omit to mention many transactions of the war, I shall be willing to solve all doubts which the members of this committee may entertain, with respect to circumstances not touched upon, or not sufficiently explained.

I hasten to the action at Bedford on Long Island, the 27th August 1776, where a paragraph in my public letter of the 3rd Sept. has been quoted against me as a violent charge. The paragraph is as follows: "Had the troops been permitted to go on, it is my opinion they would have carried the redoubts, but as it was apparent the lines must have been ours at a cheap rate, by regular approaches, I would not risk the loss that might have been sustained in the assault, and ordered them back to a hollow way in the front of the works, out of the reach of musquetry." This paragraph, I am free to own, I added to give here the same impression that I felt of the ardour of the troops upon that occasion.

But I am at a loss to know from whence it has been supposed, that carrying the lines would have been followed by the defeat of the rebel army. The facts are these:—The rebels had a body of men posted in front of the lines, to guard against an attack from Flat-Bush, and from the lower road upon their right. Those troops were defeated with considerable loss. The remainder of the corps was posted behind the lines, the main army being then on York-Island; so that admitting the works to have been forced on the day of action, the only advantage we should have gained would have been the destruction of a few more men; for the retreat of the greatest part would have been secured by the works constructed upon the heights of Brooklyn, opposite to New-York, and their embarkation covered by a number of floating batteries.

On the other hand, the most essential duty I had to observe was, not wantonly to commit his Majesty's troops, where the object was inadequate. I knew well that any considerable loss sustained by the army could not speedily, nor easily be repaired. I also knew that one great point towards gaining the confidence of an army (and a general without it, is upon the most dangerous ground) is never to expose the troops, where, as I said before, the object is inadequate. In this instance, from the certainty of being in possession of the lines in a very few days, by breaking ground, to have permitted the attack in question, would have been inconsiderate, and even criminal. The loss of 1,000, or perhaps 1,500 British troops, in carrying those lines, would have been but ill repaid by double that number of the enemy, could it have been supposed they would have suffered in that proportion.

The necessary preparations, and erecting batteries, to facilitate the landing upon the island of New-York, and battering the enemy's works at Horen's-Hook, occupied us till the 15th Sept. when the possession of New-York was effected, as appears by my letter of the 21st Sept. 1776. From that time to the 12th of October we were employed in fortifying the heights from Macgowan's-Pass to the North River, about two miles from the enemy's most advanced intrenchments, and in getting possession of Paulus-Hook. Some time was also necessarily employed in enquiries respecting the face of the country to be possessed, upon a supposition that the enemy should remove from King's-bridge.

There was a necessity of intrenching upon the height I have mentioned, in order to cover New-York in the absence of the main army. My public letters of the 23rd, 24th, and 25th of September point out all these particulars.

With regard to the knowledge of the country, so necessary to be obtained previous to the movement from New-York, I beg leave to mention the difficulties we laboured under in that respect throughout the war. The country is so covered with wood, swamps and creeks, that it is not open in the least degree to be known, but from post to post, or from accounts to be collected from the inhabitants entirely ignorant of military description. These circumstances were, therefore, the cause of some unavoidable delay in our movements.

I must here add, that I found the Americans not so well disposed to join us, and to serve, as I had been taught to expect; that I thought our farther progress for the present, precarious, and that I saw no prospect of finishing the war that campaign. These sentiments I communicated to the Secretary of State in the letters last mentioned.

From the 12th of October, the day the army landed on Frog's-Neck, to the 21st of the same month, we were employed in getting up stores and provisions, in bringing over the dragoons, the second division of Hessians, the carriages and horses for transporting provisions, artillery, ammunition, and baggage. Four or five days had been unavoidably taken up in landing at Frog's-Neck, instead of going at once to Pell's-Point, which would have been an imprudent measure, as it could not have been executed without much unnecessary risk. On the 28th of Oct. the engagement at the White-Plains took place. But it has been asserted, that, by my not attacking the lines on the day of action, I lost an opportunity of destroying the rebel army; and it has been also said, that I might have cut off the enemy's retreat by the Croton-bridge. Sir, an assault upon the enemy's right, which was opposed to the Hessian troops, was intended. The committee must give me credit when I assure them, that I have political reasons, and no other, for declining to explain why that assault was not made. Upon a minute enquiry those reasons might, if necessary, be brought out in evidence at the bar. If, however, the assault had been made, and the lines carried, the enemy would have got off without much loss, and

no way had we, that I could ever learn, of cutting off their retreat by the Croton-bridge. I cannot conceive the foundation of such an idea. By forcing the lines we should undoubtedly have gained a more brilliant advantage, some baggage, and some provisions; but we had no reason to suppose that the rebel army could have been destroyed. The ground in their rear was such as they could wish, for securing their retreat, which indeed seemed to be their principal object. And, Sir, I do not hesitate to confess, that if I could by any manœuvre remove an enemy from a very advantageous position, without hazarding the consequences of an attack, where the point to be carried was not adequate to the loss of men to be expected I should certainly adopt that cautionary conduct, in the hopes of meeting my adversary upon more equal terms.

But to proceed in my narrative. My public letter of the 30th of Nov. relates the further proceedings of the army, until lord Cornwallis arrived at Brunswick in the Jerseys, in which is included the taking of Fort-Washington, afterwards called Fort-Knyphausen. I need not trouble the committee with other particulars in that period; but I must say I should have been highly blameable, had I ordered the noble lord to have followed the enemy beyond Brunswick, when the whole of his corps had not joined him.

I refer to my public lette. of the 20th of Dec. for an account of the progress of that corps until the 14th of that month, when they went into cantonments, which I was hopeful they might have maintained. My first intentions were to have made Brunswick the left, and Elizabeth-town, or Newark, the right of those cantonments; and my reason for extending to Trenton was, that a considerable number of the inhabitants came in with their arms, in obedience to the proclamation of the commissioners on the 30th Nov. I took upon me to risk that post under the command of a brave officer, with the support of col. Donop at Borden-town, five miles distant, with a very strong corps. The two posts were occupied by nine battalions, the Hessian cavalry, and a party of the 16th regiment of light dragoons, amounting in the whole to upwards of 3,000 men, with sixteen field pieces. The light infantry of the army, a brigade of infantry, and some dragoons, were posted at Prince-town, in the chain of cantonments, twelve miles from Trenton.

But it has been objected to me, that I ought not to have intrusted the important post of Trenton to the Hessian troops. My answer to this, if clearly understood, will I think be satisfactory. Military men will certainly understand it. The left, Sir, was the post of the Hessians in the line, and had I changed it upon this occasion it must have been considered as a disgrace, since the same situation held in the cantonments as in the camp. And it probably would have created jealousies between the Hessian and British troops, which it was my duty carefully to prevent. Col. Donop, who commanded the two posts, was perfectly satisfied with his situation, and so was colonel Rhall. They both had timely information of the intended attack; the numbers of the enemy, I was credibly informed, did not exceed 3,000, and if col. Rhall had obeyed the orders I sent to him for the erecting of redoubts, I am confident his post would not have been taken.

I would ask those who object to this part of the distribution, where could the Hessian troops have been better employed than in the defence of a post? In the last war they were esteemed not unequal to any troops in prince Ferdinand's army, and I should do them much injustice were I not to say they were in very high order in America. Two of these very battalions had served in Germany, with great credit, and the whole brigade under colonel Rhall's command had given a recent proof of their bravery at the attack of Fort-Knyphausen.

The possession of Trenton was extremely desirable; could we have preserved it we should have covered the greatest part of the country to the eastward of Princetown, including the whole county of Monmouth, where I had reason to think there were many loyal inhabitants. We should also have been so near Philadelphia that we might possibly have taken possession of it in the course of the winter; though I confess I had several reasons for doubting the expediency of that measure at that time.

My principal object in so great an extension of the cantonments, was to afford protection to the inhabitants, that they might experience the difference between his Majesty's government, and that to which they were subject from the rebel leaders. For, Sir, although some persons condemn me for having endeavoured to conciliate his Majesty's rebellious subjects, by taking every means to prevent the destruction of the country, instead of irritating them by

a contrary mode of proceeding, yet am I, from many reasons, satisfied in my own mind that I acted in that particular for the benefit of the King's service. Ministers themselves, I am persuaded, did at one time entertain a similar doctrine, and from a circumstance not now necessary to dwell upon it is certain that I should have had little reason to hope for support from them, if I had been disposed to acts of great severity. Had it been afterwards judged good policy to turn the plan of the war into an indiscriminate devastation of that country, and had I been thought the proper instrument for executing such a plan, ministers, I presume, would have openly stood forth, and sent clear, explicit orders. Ambiguous messages, hints, whispers across the Atlantic, to be avowed or disavowed at pleasure, would have been paltry safeguards for the honour and conduct of a commander in chief.

I now return to my narrative. Previous to the loss of Trenton I had detached general Clinton with 6,000 men to take possession of Rhode Island, the success of which expedition is mentioned in my public letter of the 20th of Dec. 1776. This was one material point in the general plan of operations. And here I must beg leave to call the attention of the committee to my separate letter of the 30th Nov. 1776, wherein is set forth my first plan for the next campaign, with the force requisite, in order, if possible, to finish the war in one year. My propositions were, that we should have 10,000 men to act on the side of Rhode Island, and penetrate eastward into the country towards Boston, leaving 2,000 for the defence of Rhode Island, 10,000 in the province of New York, to move up the North River to Albany, 5,000 for the defence of York Island and its dependencies, 8,000 to cover Jersey, and to keep general Washington's army in check, by giving a jealousy to Philadelphia, which as well as Virginia I proposed to attack in autumn, provided the success of other operations should have admitted of sending thither an adequate force. South Carolina and Georgia I proposed as objects for winter. But to carry this plan into execution I informed his lordship, that ten ships of the line, and a reinforcement of 15,000 rank and file, would be absolutely necessary, besides an additional battalion of artillery. According to this calculation, the army under my command would probably have consisted of 35,000 effective men, to oppose

50,000 voted by the Congress for the next campaign, exclusive of the large bodies of militia, who were to be collected on the shortest notice. I mentioned at the same time the spirit infused into the people by their leaders, from the strongest assurances of procuring the assistance of foreign powers, and that it was said Dr. Franklin was gone to France to solicit the aid of that court.

This letter of the 30th Nov. was received by the Secretary of State on the 30th of Dec. On the 9th March 1777, I received his lordship's answer, dated the 14th Jan. This answer, it is to be observed, was by no means decisive. The determination upon my plan was postponed until the arrival of my next letter, when major Balfour (one of my aids de camp, and then in England) was to be immediately dispatched. My requisition, as has been just stated, was for 15,000 rank and file, in order to complete the army to 35,000 effective men. The noble lord, in the letter I am now quoting, hopes that he shall be able to augment the army under my command to near 35,000, although he proposes sending me only 7,800. This misconceived calculation can no otherwise be accounted for, as I apprehend, than by his lordship's computing the sick, and the prisoners with the rebels, as a part of the real effective strength of the army; and yet I cannot see how such a mistake could have arisen, as my requisition was specific, for 15,000 men, rank and file. His lordship further declares, that it is beyond his power to furnish me with the additional battalion of artillery. If any thing could be an alleviation of my disappointment in these respects, it was the assurance which accompanied it, that—"whatever degree of support the rebels had been taught to expect from foreign powers, his lordship had great reason to believe that Dr. Franklin would not be able to procure them any open assistance."

During the doubts I entertained, whether the large reinforcement I had requested would arrive in time for the execution of the extensive plan mentioned in my letter of the 30th Nov. 1776, I had information, which I thought might be depended on, that the reduction of Pennsylvania was practicable, even upon the supposition that the whole of my strength, fit for duty at the opening the campaign, might not exceed 19,000 men. I therefore suggested, in my separate letter of the 20th

Dec. 1778, a second plan, which was for acting next campaign in Pennsylvania, and which, when I was told I must expect a reinforcement of only 7,800 men, little more than half my requisition, I concluded was to be adopted.

I remarked that by this plan the march towards Boston, which I had before proposed, must be deferred until the required reinforcements should arrive from Europe; but as these operations, perhaps of the last importance to the nation, might depend upon the exigencies of the moment, I solicited his lordship to point out any general plans that might be thought most advisable, as well with respect to the present strength of the army, as in the event of reinforcements, remarking to me the periods of time in which I might expect the arrival of troops. This letter having been received in England on the 23d of Feb. 1777, which was long before general Burgoyne's departure, the minister had full opportunity of communicating the contents to that general; and of making such changes as he might judge expedient to coincide with the northern operations.

Presuming that it was my duty to omit no opportunity of communicating, though it might be deemed repeating, my ideas to the Secretary of State, my private letter of the 20th Jan. 1777 was also full and explicit. I there assure him, that there must be another campaign, for I found that upon the good news from Quebec, in 1776, he had hoped, that a prospect was open for ending the war in one campaign. I pressed for more troops—I told him that a reinforcement of 20,000 men was requisite, but that 15,000 would give us a superiority, pointing out Philadelphia, for the reasons before mentioned, as the principal object; I observed, that an augmentation of 20,000 men would admit of my detaching a corps thither by sea, while the main body might penetrate by the way of Jersey. On the other hand I observed, that if the reinforcements were small the operations would be of course curtailed. This letter also arrived in England prior to general Burgoyne's departure. Both letters are answered the 3d March 1777, and brought by major Balfour, who arrived at New York on the 8th May.

I had now the Secretary of State's entire approbation of my second plan, the expedition to Pennsylvania; my reasons for deviating from my former plan being, as his lordship is pleased to express himself, solid

and decisive. He laments, however, that instead of augmenting the army to 35,000, which I had requested, and which I had some reason to hope for, instead of even reinforcing me with 7,800 he could only allow me to expect 2,900, that is to say, not a fifth part of the number I had required. It is to be observed, that his lordship at the same time, notwithstanding so great a reduction of the reinforcements requisite for the operations determined upon and approved of, recommends a warm diversion to be made on the coasts of Massachusetts Bay and New Hampshire, as far as the main plan will permit. The admiral and I however, agreeably to his lordship's commands, consulted upon the expediency of the diversion, and in my letter of the 3d of June, 1777, I informed the Secretary of State, that we found it not to be practicable without interfering materially with those more important operations of the campaign which had been approved of by himself, and which were already too much curtailed from want of a land force. The army fit for actual duty at this time, exclusive of about 2,000 provincials, was 14,000 short of the number I had expected.

But to resume the chain of my correspondence. Finding by the Secretary of State's letter of the 14th of Jan. 1777, received on the 9th of March following, that the reinforcements were not to be expected, I totally relinquished, in my secret letter of the 2d of April, the idea of any offensive operation, except that to the southward, and a diversion occasionally upon Hudson's-River. I informed the Secretary of State that the principal part of the plan formerly proposed could no longer be thought of; that the Jerseys must be abandoned, and Pennsylvania be invaded only by sea; that in the former campaign my force was equal to the operations, but that in the ensuing one, from the several posts necessary to be preserved, the offensive army would be too weak for rapid success; and that, restricted as I was from entering upon more extensive operations by the want of force, my hopes of terminating the war that year were vanished; that notwithstanding the whole rebel army, 50,000 men, voted in autumn, might not be raised, the enemy would have a numerous militia in the field, in addition to their standing force, and a good train of artillery. I at the same time transmitted my distribution of the army for the campaign, by

which it is to be observed, that my real effective force, exclusive of 3,000 provincials, amounted only to 18,000.*

The noble lord's answer to this letter, dated the 18th of May, 1777, contains a repeated approbation of the expedition to Pennsylvania; but it is remarkable in other respects. He states his inability to furnish me with the supplies requested, and is concerned to find that I do not imagine my force to be as suitable to the operations of the ensuing campaign, as I had confessed it was to those of the last. These expressions, Sir, require observation—they seem eager to catch me in the confession that my force was suitable to the operations of the last campaign, and would from thence imply, that my force was equally suitable to the operations of any other campaign. Now, Sir, even if I had not explained my idea upon that point (which however I clearly did) I think it might have been obvious to any man less acquainted than his lordship with military reasoning, that the force, which had been sufficient to take possession of New-York, and other strong holds of the enemy, could not, after the necessary divisions for preserving the variety of posts we had gained, be equally suitable to the making of new conquests. For is it not self-evident, that the power of an army must diminish in proportion to the decrease of their numbers? And must not their numbers for the field necessarily decrease, in proportion to the towns, posts, or forts, which we take, and are obliged to preserve? But his lordship proceeds to say, that his concern (on account of this imagination of mine) is in a great degree alleviated by the intelligence which he daily receives, of the rebels finding the utmost difficulty in raising an army to face his Majesty's troops—From the supposed weakness of the enemy, and the good inclination of the inhabitants, he has every reason to expect that my success in Pennsylvania will enable me to raise amongst them such a force, as may be sufficient for the interior defence of the province—He declines a particular consideration of the advantages which may be expected from a successful execution of my present plan, but is pleased to inform me (in contradiction to my repeated representations and assertions) that he is inspired with no small degree of hope, that this campaign will

put an end to the unhappy contest. Thus, Sir, all my positive assurances, arising from a declared want of force, and from a plain state of facts, are here answered with the single argument of his own delusive hopes, built upon a supposition of the enemy's weakness! To what a dilemma is a commander reduced, when, after having repeatedly complained of his deficiency of strength, the minister, from information collected here at home, or from hopes suggested by fears, opposes his own conjecture (I cannot call it judgment) and tells him, that decisive success is still expected from him? If the powers of this country, or the extent of his lordship's influence, could not have raised the force required, that answer would have been satisfactory to me, and no reflection upon himself. That answer would have relieved my mind from an apprehension I began to entertain, that my opinions were no longer of weight; and that of course the confidence so necessary to the support, satisfaction, and indeed, security, of every man in a responsible situation, was withdrawn. If the noble lord had thought that my requisition for more troops was unnecessary, and that the force he had already furnished was adequate, why did he not take the manly part of appointing some other person to fulfil those sanguine expectations, which from duty and conviction I had laboured to discountenance?

In order to preserve, as well as I can, the historical chronology, amidst such numerous events and quotations, I must in this place remind the committee, that in my letter to the Secretary of State of the 2d of April, 1777, I enclosed a copy of a confidential letter which I wrote on the 5th of the same month spontaneously to sir Guy Carleton; I say spontaneously, because I had not at that time received any official information concerning the plan of the northern expedition, which I conceived was to take place that year. It may be recollected, that the substance of this letter was, that I should probably be in Pennsylvania at the time when the northern army would be ready to enter the province of New-York; that little assistance was to be expected from me to facilitate their approach, as a want of sufficient strength in my own army would probably not admit of my detaching a corps to act up Hudson's-river in the beginning of the campaign.

On the 5th of June I received a copy of the Secretary of State's letter to sir Guy

* In stating numbers present, rank and file fit for duty is always meant.

Carleton, dated the 26th of March 1777, wherein he communicates to him the plan of the northern expedition, and adds, "that he will write to sir William Howe by the first packet." I must observe, that this copy of a letter to sir Guy Carleton, though transmitted to me, was not accompanied with any instructions whatsoever; and that the letter intended to have been written to me by the first packet, and which was probably to have contained some instructions, was never sent.

I come now to the summer of 1777, passing over the expeditions in March and April to Peek's-Kill and Danbury. The progress of our army in Jersey being also fully mentioned in my letters upon the table, I likewise pass over the various occurrences there, previous to the embarkation at Staten-Island. But as I have been blamed for not marching, before I left Jersey, to attack general Washington, posted at Middlebrook, I must beg leave to trouble the committee with a few words upon that point. To have attacked general Washington in that strong post I must necessarily have made a considerable circuit of the country; and having no prospect of forcing him, I did not think it advisable to lose so much time as must have been employed upon that march, during the intense heat of the season.

Exclusive of this consideration, our return must have been through a very difficult and exhausted country, where there was no possibility of keeping up the communication with Brunswick, from whence alone we could draw our provisions; and the force with me at that time, amounting only to about 11,000 men, it would not admit of sufficient detachments to preserve the communication. The movement which I did make in two columns was with a view of drawing on an action, if the enemy should have descended from his post, and been tempted towards the Delaware, in order to defend the passage of the river, on a supposition that I intended to cross it. But as the position of my first column at Hillsborough must have induced that idea, and yet had not the desired effect, I determined to return to Brunswick, and follow the plan which had been approved by the minister. These reasons, together with those assigned in my letter of the 5th of July, 1777, will I hope sufficiently account for my not attacking general Washington upon that occasion. I must also observe, that even so long before as in my letter of the 2nd of April, I declared it

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was not my intention to undertake any offensive operation in the Jerseys, unless some advantageous opportunity should offer.

But it has been asked, why I did not cross the Delaware, and proceed by land to Philadelphia? To this I answer, that, from a want of sufficient means to pass so large a river, I judged the difficulties and the risk too great, more especially as the enemy had a corps ready for the defence of it, exclusive of their main army in my rear. I have already shewn, that finding the promised reinforcements were not to be expected, I informed the Secretary of State that the plan first proposed could no longer be thought of; that the Jerseys must be abandoned, and Pennsylvania be invaded only by sea. The communication for provisions through such an extent of country, could not possibly be maintained with the force then at my command. This, Sir, is surely a satisfactory answer to the charge of my not having proceeded to Philadelphia at that time by land.

In my next letter of the 7th of July, 1777, I observed, "that the war was now upon a different scale with respect to the increased powers and strength of the enemy, than it was last campaign, their officers being much better, with an addition of several from the French service, and a respectable train of field artillery: that 50 pieces of brass cannon had been landed at Boston, and that the rebel army in Jersey had already with it a field train of forty pieces—that unless the British regiments were completed with draughts and good recruits, we should soon lose our consequence by the current casualties of a campaign, even without a general action: that a corps of 10,000 Russians, effective fighting men, might insure the success of the war to Great Britain in another campaign: but that if they were not to be had, and if we should succeed this campaign in the possession of Pennsylvania, the Jerseys, and the province of New York, (which I had before said must in a great measure depend upon the success of the northern army) the draught troops in that case, for the preservation of them in the next campaign, would be great, at the same time that a considerable force would be requisite for the reduction of the northern provinces, wherein three armies should be employed to make it effectual: and that even in our present state, twenty regular battalions were employed for the security of York Island with its dependencies, and Rhode Island."

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It may be observed, that I made various alterations from time to time in the plans of operations, but I flatter myself they will be found solid, so far as they relate to the distribution of the troops to Rhode Island, New York, and the main army. With regard to the main army, the question is, "Whether it could have been disposed to better advantage than upon the expedition which took place to Pennsylvania?"—An expedition said by some gentlemen to have been the cause of the subsequent misfortunes: those gentlemen will, I presume, endeavour to support this strong assertion by evidence of the officers, the general officers, upon whose opinions they profess to have founded their judgment. If there are any in this committee who have formed a similar conclusion from their own reasoning, I trust they will this day favour me with their ground for such opinion, unless they should be satisfied with what I am going to state in my justification. And in making this request, I know I address myself to men of honour, who cannot mean a wanton accusation, but who may wish to be satisfied in points not sufficiently explained.

And here, Sir, although I might shelter myself from this violent charge, by referring to the complete approbation, as well as the acquiescence of the Secretary of State; and might answer every objection by the short observation, that the reasons for adopting this expedition are adjudged by his lordship to be solid and decisive; yet am I content to wave that justification, and to stand entirely upon the merits and policy of the measure itself.

Persons of some authority, I am told, have said, "that the army ought to have gone into New England, others that it ought to have gone up Hudson's River." Permit me to examine the propriety of both those opinions, by considering what would have been the consequences, if either of them had been adopted. Suppose, in the first place, it had gone to New England, would that measure have led to a conclusion of the war? I think not. For, Sir, wherever the main body of our army had gone, there most assuredly would general Washington have gone also. But that he would have avoided a general action, I am authorised to say, not only from his constant uniform conduct in that respect, (and in which, no doubt, he acted judiciously) but also from this very obvious reason: he knew we could not have kept any part of Connecticut in the winter, ex-

cept one or two places upon the coast of the sound: situations which would not have forwarded the recovery of that province—in Connecticut, therefore, there was no object for which he could have been tempted to risk a general action. Besides, the provinces of New England are not only the most populous, but their militia, when brought to action, the most persevering of any in all North America; and it is not to be doubted that general Washington, with his main army, would have followed me into a country where the strength of the continent, encouraged by his presence, would have been most speedily collected.

In Pennsylvania the prospect was very different. The increase of force which that country could afford to Washington was small in comparison to the other, and the defence of Philadelphia was an object, which I justly concluded would engage the whole of his attention. It was incumbent upon him to risk a battle, to preserve that capital. And as my opinion has always been, that the defeat of the rebel regular army is the surest road to peace, I invariably pursued the most probable means of forcing its commander to action, under circumstances the least hazardous to the royal army; for even a victory, attended by a heavy loss of men on our part, would have given a fatal check to the progress of the war, and might have proved irreparable.

These, Sir, were my inducements, at the time, for carrying his Majesty's arms into the province of Pennsylvania in preference to those of New England.* Had the reinforcements I required been granted, New England would have had a share in the general operations of the campaign, while the main body acted to the southward. But with an army upon the smaller scale, that plan was impracticable, and I have already given my reasons why I could not carry the main army into those provinces, unless I had been really desirous of protracting the war for my private advantage, a motive which has been basely imputed to me by those who wish to perpetrate the ruin both of my professional and my private character.

The second suggestion is, that I ought to have gone up Hudson's-river, in order

* I have omitted a computation of the strength of the New England provinces, because it is impossible to speak of it with a sufficient degree of accuracy.

to facilitate the approach of the northern army to Albany. What would have been the consequences of such an expedition? Before the object of it could have been attained, the forts in the Highlands must have been carried, which would probably have cost a considerable number of men, defended as they would have been, by general Washington's whole force. But these forts being carried, how would the enemy have acted? In one of these two ways: he would either have put himself between me and New York, or between me and the northern army. In either case I am of opinion, that the success of our efforts upon Hudson's-river, could not, from the many difficulties in penetrating through so very strong a country, have been accomplished in time to have taken possession of Philadelphia that campaign. But admitting I had at length reached Albany, what should I have gained, after having expended the campaign upon that object alone, that I had not a right to expect by drawing off general Washington, with the principal American army, for many operations on that side?

When it is considered how invidious and how minute a scrutiny has been made into my conduct, and into the motives of my conduct, I shall not be thought to speak absurdly if I say, that had I adopted the plan of going up Hudson's-river, it would have been alleged, that I had wasted the campaign with a considerable army under my command, merely to ensure the progress of the northern army, which could have taken care of itself, provided I had made a diversion in its favour, by drawing off to the southward the main army under general Washington. Would not my enemies have gone farther, and insinuated, that, alarmed at the rapid success which the hon. general had a right to expect when Ticonderoga fell, I had enviously grasped a share of that merit which would otherwise have been all his own? And let me add, would not ministers have told you, as they truly might, that I had acted without any orders or instructions from them; that general Burgoyne was directed to force his own way to Albany, and that they had put under his command troops sufficient to effect the march? Would they not have referred you to the original and settled plan of that expedition (which is among the papers on your table) to prove that no assistance from me was suggested? And would they not readily have impressed this House with

the conclusion, that if any doubt could have arisen in their minds of the success of such a well digested plan, they should, from the beginning, have made me a party in it, and have given me explicit instructions to act accordingly?

And now, Sir, having sufficiently, and I hope satisfactorily spoken to the two plans, which some persons have judged ought to have taken place, I return to the only one which, in my opinion, could with propriety have been adopted.—After the most mature deliberation, and frequent consultation with the admiral, lord Cornwallis, and other general officers; after weighing all the circumstances of every possible operation; after the most probable conclusion, founded upon the best intelligence, that general Washington would follow me, I determined on pursuing that plan which would make the most effectual diversion in favour of the northern army, which promised in its consequences the most important success, and which the secretary of state at home, and my own judgment upon the spot, had deliberately approved.

It was not one province, but three, that I conceived we had reason to expect possession of at the end of 1777. The first object, was Philadelphia, a city from whence, by means of the river Delaware, the rebels drew the greatest part of their supplies—the capital of Pennsylvania—the capital, as it were, and residence of the congress in North America, situated in one of the most fertile provinces of that continent, and in which I include the three lower counties on Delaware. Added to Pennsylvania, I concluded that the arrival of the northern army at Albany, would have given us the province of New York and the Jerseys; all which events I was confident would lead to a prosperous conclusion of the war.

Early in July, 1777, I began the embarkation—I wished however to remain until the arrival of sir Henry Clinton from Europe, who was to command at New York in my absence; and until I should learn something of the progress of the northern army. On the 5th of July sir Henry Clinton arrived, and on the 15th I received an express from general Burgoyne, informing me of his success at Ticonderoga, “that his army was in good health, and that Ticonderoga would be garrisoned from Canada, which would leave his force complete for further operations.” In my answer I said, that I ex-

pected general Washington would follow me to Pennsylvania, but that if, contrary to my expectation, he should go northward, I should soon be after him. It may also be proper in this place to advert to the instructions I left with sir Henry Clinton, and to several of my subsequent letters to that general. As I omitted to send copies of them to the secretary of state, they are not upon the table; but I have them in my hand, and with leave of the committee will read a short extract:

Extract of Instructions from sir W. Howe to sir H. Clinton, dated 9th July, 1777.—“Upon my departure from hence with the army, you will be pleased to take the command of the troops mentioned in the inclosed return, and of all other troops now here, or that may arrive in my absence. You will make such changes in the position of them as you may judge most conducive to his Majesty's service for the defence of this important post, and its dependencies, whereby I would be understood to include King's Bridge, Long Island, Staten Island, Paulus Hook, and Sandy Hook; at the same time it is by no means my intention to prevent your acting offensively, in case an opportunity should offer, consistent with the security of this place, as abovementioned, which is always to be regarded as a primary object.”

Extract of a Letter from sir W. Howe to sir H. Clinton, dated 15th July, 1777.—“I have directed the 7th and 26th regiments of foot, and col. D'Eib's regiment of Anspach to remain here under your orders, in addition to the troops of which you have received a return, and am hopeful, if you see occasion to act offensively, those corps may prove of essential use. Upon the arrival of major-general sir Thomas Wilson, you will be pleased to order him to join me, unless from any offensive operations you may have in view at the time, you shall find his presence necessary for that service, in which case you will keep him under your command.”

Extract of a Letter from sir William Howe to sir Henry Clinton, dated off Delaware, 30th of July, 1777.—“It is not possible for me to say at this time when I shall be able to send reinforcements to you, but, I beg you may be assured I shall not fail to do it, as soon as expedient: in the mean while, if you can make any diversion in favour of general Burgoyne's approaching Albany, with security to King's-Bridge, I need not point out the utility of such a measure.”

From these extracts it is to be observed, that I gave full power to sir Henry Clinton to act offensively, if opportunity should offer, consistent with the defence of New York and its dependencies; and that the facilitating the approach of the northern army, by a diversion in its favour, if practicable, was not out of my thoughts, although I had received no instructions whatsoever upon that head.

The committee will now permit me to state the distribution of the whole army under my command, at the time of my departure to the southward. For the defence of Rhode Island there were about 3,000 men; at New York about 8,500, exclusive of the sick and convalescents of those corps, and of the southern army, and a small body of militia upon Long Island. These two corps I judged to be not more than sufficient for their situations at that time, especially in the view of sir Henry Clinton's acting upon occasion, to a certain degree offensively in favour of the northern army. My own corps, to be opposed to the enemy's principal army, was nearly 14,000, and knowing general Washington to have about 15,000, exclusive of almost any number he pleased of militia, I could not think it advisable to weaken any of those corps, by detaching from them for an expedition to the northward by sea.

The embarkation being finished, we sailed from New York the 23d of July, and arrived off the Delaware on the 30th. Several days must have been employed to surmount the difficulties of getting up the river, and I inferred from thence, that I should not be able to land the troops before general Washington would be in force at Wilmington, where there was also a corps: there was besides no prospect of landing above the confluence of the Delaware and Christiana Creek, at least the preparations the enemy had made for the defence of the river, by galleys, floating batteries, fireships, and fire rafts, would have made such an attempt extremely hazardous. I had also to consider that the country below, where the troops must have landed, and where only the transports could have laid in security (I mean about Reedy Island) was very marshy, and the roads upon narrow causeways intersected by creeks: I therefore agreed with the admiral to go up Chesapeake Bay, a plan which had been preconceived, in the event of a landing in the Delaware proving, upon our arrival there, ineligible. It is to be

observed, that if we could not have landed above Wilmington we should have been under the necessity of going the same route we took from the head of Elk, by way of Aiken's Tavern, otherwise called Pencadder.

Our going up Chesapeak Bay alarmed the provinces of Virginia and Maryland, and diverted a body of their troops, which did not join general Washington until after the battle of Brandywine. Another circumstance much in our favour attended this change: our troops by being on board ship in the hot month of July and part of August, escaped an almost certain fatality by sickness, in which the enemy suffered much at that time. But, for this I do not take credit, as I was anxious to get forward, and no delay arose from that consideration. I will, however, declare it as my opinion, that in those two months the troops should be exposed as little as possible in the field in America.

On the 16th of August we entered Chesapeak Bay, and there I received the minister's letter of the 18th of May, 1777, wherein I am again told, that my last plan is approved, and in the same period, that he trusts, "whatever I may meditate, it will be executed in time for me to co-operate with the northern army." Were I to be permitted to account for this expectation, I would say, it must have been founded upon an idea, that the possession of that most important object, Philadelphia, was to be obtained without any great efforts of the enemy for its defence. At least I must conclude the noble lord apprehended none. The fact however is, that Mr. Washington opposed our progress with his whole force. It is also to be remarked, that, although the idea of going up Hudson's River had not entered into any of the reduced plans which I sent home, and which met with approbation, yet, in this letter, it is suggested, at a time when there could be no possibility of carrying it into execution, consistently with the approved expedition I was then upon. I was now under the necessity of proceeding.*

* Lord George Germain, in his answer to this part of my speech, complained of my neglect of duty in point of correspondence, by declaring, that after I had embarked for Pennsylvania, two months elapsed without his hearing from me. I took the earliest opportunity of replying to his charge; the fact stands thus:—On the 16th of July I wrote to his lordship, informing him, that I proposed going up the

I pass over the time between the landing of the army, near the head of Elk, and the battle of Brandywine. But understanding some fault has been attributed to me for making a division of my force to bring on that action, I flatter myself it will not be thought impertinent to say a few words on that subject. To bring the enemy to an action was my object, and being confident that general Washington was studious to avoid it, unless under most favourable circumstances, some art and some hazard was necessary to accomplish my purpose. The movements made on this occasion, which may be found in my letter of the 10th of October, 1777, were not repugnant to sound principles; and it is no small consolation to me to know, independent of the event, that I have the opinions of the most judicious officers in the army on the spot, to support a measure which some gentlemen, from what authority I know not, have been pleased to censure. But at the same time that I am reflected upon on one hand, for hazarding too much, I am blamed on the other, for not making the action more decisive, and for not following up the victory more closely.

To demonstrate the impracticability of a vigorous pursuit in a hostile country (but more particularly in America than in any other country I have seen) or the inutility of attempting it further than was done, in the peculiar state of the army at that time,

Delaware, in order to be nearer New York than if I went up the Chesapeak, as I once intended, and which route I preferred to that of the Delaware, provided the enemy discovered a disposition to defend Pennsylvania. This letter was received by the noble lord on the 22d of August. My next letter was dated the 30th of August, from the head of Elk; but it happened that the Swallow packet, carrying that letter, had a very uncommon length of voyage, and did not reach England till the 28th of October, which accounts for his lordship's having been two months without hearing from me, my letter of the 16th of July having reached England on the 22d of August. The noble lord, when he was so unusually long without receiving a letter from me, might have conjectured the possibility of a packet's having a tedious voyage; or of its having been lost; or of its having been taken by the enemy. Indeed, he might also have conjectured, from the words I have quoted in my letter of the 16th of July, that I was gone up the Chesapeak, which would necessarily lengthen my voyage from New York: and finally he ought to have compared the dates of the letters themselves, and not the dates of their arrival.

would be trespassing too much upon the indulgence of the committee. I flatter myself it will suffice to say, that from a due regard to the wounded, the importance of possessing the post at Wilmington for their accommodation, and for the security of the prisoners, no movement could have been made sooner, or more effectual, under such circumstances, than the advance of the two corps with major-general Grant and lord Cornwallis towards Chester; and I must be allowed to insist, there was no avoidable delay in the approach to Philadelphia by Valley Forge, the Schuylkill, by the nearer route through Derby, being impassable; nor any opportunity lost of bringing the enemy to farther action between Dilworth and German-town. This I nearly effected on the 17th Sept. when he was upon his march on the Lancaster road, but the extreme violence of the weather rendered every effort to get forward impracticable. They had, therefore, an opportunity of evading the approach of the King's army, by a forced march into a very rough mountainous country, where it was certain they could not be followed. But my endeavours to get at the enemy, whatever was thought by those actually engaged in them, have been treated here as ill-judged, feebly prosecuted, and void of enterprize, which last censure has been even extended to the general conduct during my command.

I shall not descend to minute refutations, but I beg leave to say, and I assert it with firmness, that almost every movement of the war in North-America was an act of enterprize, clogged with innumerable difficulties. A knowledge of the country, intersected, as it every where is, by woods, mountains, waters, or morasses, cannot be obtained with any degree of precision necessary to foresee, and guard against, the obstructions that may occur. In a word, Sir, whatever may be the aim or wish of my enemies, in propagating these aspersions, it is from my conscience I affirm to this committee, and to my country at large, that I never neglected an opportunity of bringing the enemy to action, where it could have been done upon a comparative view of all circumstances at the time, and consistent with the caution indispensibly requisite in a situation always so critical, that a material check to his Majesty's arms might have been productive of fatal consequences to the interests of this country in America.

The next point is the attack made upon

the King's army at German-town on the 4th Oct., which has been maliciously represented as a surprise, thereby throwing a stigma upon the vigilance of the troops, but more particularly upon that of the general. The circumstances which encouraged the enemy to make this attack are set forth in my letter of the 10th Oct. 1777, as well as the reasons for making the detachments which caused that encouragement. In addition to the account there given, I beg leave to inform the committee, that my first position at German-town was taken to cover Philadelphia, during the operations carrying on against Mud-Island, and was therefore more extended than it otherwise would have been. It is true, however, that I did not expect the enemy would have dared to approach after so recent a defeat as that at Brandywine. In this idea I did not direct any redoubts to be raised for the security of the camp or out-posts, nor did I ever encourage the construction of them at the head of the line when in force, because works of that kind are apt to induce an opinion of inferiority, and my wish was, to support by every means the acknowledged superiority of the King's troops over the enemy, which I considered more peculiarly essential, where strength was not to be estimated by numbers, since the enemy in that respect, by calling in the force of the country upon any emergency, must have been superior.

I confess also it was for the above reasons I did not change my position, after making the detachments beforementioned, choosing rather to trust to the well-tryed vigilance of the troops, and the activity of the patrols (though I had intimation that an attack might be made) than to give the army unnecessary fatigue, by making more cautionary preparations. In my confidence in the troops I was not disappointed; the enemy's approach was discovered by our patrols, and I had early notice of it. The line was presently under arms, and although it must be admitted that the out-posts and light-infantry in one quarter, were driven back, it must be equally admitted, that they were soon effectually supported, and the enemy repulsed from the only place where the smallest impression was made. I cannot mention this transaction without paying a due acknowledgment to an excellent officer, lieut. col. Musgrave, whose gallant and judicious conduct, upon this occasion, will, I hope, some day meet with its reward. I have

stated these facts, in addition to the account in my letter upon the table, principally to shew, that how much soever I may be supposed to have erred in my own conjecture, the imputation of the army being unguarded or surprised is not founded in truth.

On the 19th Oct. I found it advisable to remove to Philadelphia, to expedite the reduction of Mud-Island, which proved to be more difficult than was at first supposed. To this end the possession of Red-Bank on the east side of the Delaware engaged my attention. The event of that enterprise is contained in my letter of the 25th Oct. 1777, but as I understand that a pointed reference was made to it in this House, last year, by the noble lord in the American department, I shall briefly state, to the best of my recollection, the circumstances under which colonel Donop, a brave and gallant officer, was detached on this service. He earnestly intreated lord Cornwallis, in whose corps he served, to express his wishes for an opportunity to signalize himself, and the Hessian troops under his command. My design on Red-Bank affording the earliest opportunity, I desired lord Cornwallis to explain the nature of the service, and if it should meet with his approbation, to offer him the command, which he very readily accepted. On the evening of his departure col. Donop desired to know from lord Cornwallis, if it was expected he should make the attack at all hazards, when lord Cornwallis assured him from me, that he was to be guided by his own judgment on the spot, but that the attack was to be made, unless he saw good reason to the contrary. If I may conclude from the manner in which I parted with col. Donop, or from the approbation the directions given to him received from his immediate and most valuable commander, general Knyphausen, I have every reason to believe he went upon the service perfectly satisfied. The committee will do me the justice to believe, I have no other motive for this explanation, than to make known what really passed with respect to the orders given to colonel Donop upon this enterprise. The intrepidity and vigour with which it was attempted, reflect the highest honour upon the commander and his troops, and the loss sustained upon the occasion cannot be too much regretted.

It has been asserted, that an early possession of Red-Bank must have been immediately followed by the reduction of

Mud-Island, to which I in some measure agree, that is to say, after the enemy had put it in a state of defence: before that time such a corps as could have been spared from the army, must have been established and supplied with stores and provisions, with great difficulty, while exposed to the annoyance of the armed galleys and floating batteries; and before the army was drawn nearer to Philadelphia, the support of a post, so detached, would have been very precarious. I must nevertheless acknowledge my great disappointment in the time that proved necessary for the reduction of Mud-Island; but if the violent rains, by filling the trenches, and sapping the foundations of the batteries, had not caused a considerable delay in the destruction of the enemy's defences, which prevented an earlier co-operation of the ships of war, I probably should have been much less deceived in my expectations.

My dispatch of the 13th Dec. 1777, respecting the movement to White-Marsh, and my conduct on that occasion, is so explicit as to make farther observations unnecessary. The motives from which I acted at that time were, I think, just, and if they appear inconclusive to any here, I can only esteem myself unfortunate in the want of their concurrence. The activity of the army during the winter is undeniably proved by my subsequent letters: but as many of the transactions were in their effects less important to the grand object than to the credit of the troops, the most material only were specified in my dispatches.

The entrenched situation of the enemy at Valley-Forge, 22 miles from Philadelphia, did not occasion any difficulties so pressing as to justify an attack upon that strong post during the severe weather, and though every thing was prepared with that intention, I judged it imprudent, until the season should afford a prospect of reaping the advantages, that ought to have resulted from success in that measure; but having good information in the spring that the enemy had strengthened the camp by additional works, and being certain of moving him from thence when the campaign should open, I dropped all thoughts of an attack. My letter of the 19th April, 1778, gives further reasons for this part of my conduct.

From the remainder of my correspondence, gentlemen must have seen, that I continued my remonstrance for more troops. Perhaps it was impossible for the

minister to send more.—Such an acknowledgment would have been no reflection upon himself, and would have relieved my mind from the uneasiness it laboured under, in conceiving, that my opinions of the necessity of reinforcements were deemed nugatory; and that, of course, I had lost the confidence of those, who were in the first instance to judge of my conduct. It cannot be surprizing, that finding myself in this situation, I desired his Majesty's permission to withdraw from the command. I gave the true reason for that request—the loss of confidence. The reason was tacitly acknowledged to be well founded, for it was acquiesced in; and his Majesty was pleased to appoint a successor to the command of the army.

With regard to the complaint I made of the loss of confidence, the noble lord in the American department must have done great injustice to my sensibility, when he expressed an opinion, upon a former occasion, that I alluded merely to the slight put upon my recommendations; not but that I confess I was mortified to find, that brave officers, whose eminent services I had strongly and faithfully represented, were not rewarded at home with the distinction expected for them by the army in general, as well as by me. It were a matter of small moment if the evil went no farther than to my personal mortification; but if it be true that the spirit of military men is raised or depressed by the conferring or withholding of their sovereign's substantial approbation, such slights may prove of very dangerous tendency.

The noble lord, on a former day, thought proper to treat my recommendation of capt. Emmerrick with a certain air of contempt and ridicule. He had forgot, it should seem, that he himself sent captain Emmerrick to America, and, in the very extraordinary terms contained in his lordship's letter of 25th of April, 1776, originally recommended him to my attention. His lordship best knows the purpose for which he sent him out, and whether he was a proper person to raise a body of men, or to be trusted with money for such a service.

When I received my orders to return home, as soon as sir Henry Clinton should arrive at Philadelphia, I confess I became cautious of hazarding exploits which might have reduced the army of my successor, though a fair opportunity happening to present itself, I did make one attempt, which had it succeeded, would have proved

a severe stroke upon the enemy. Upon the whole, I flatter myself it will be found, that I made no disadvantageous use of the army under my command, and that I never made deceitful representations of the situation of affairs, but freely communicated my sentiments upon the force necessary to suppress the rebellion: and I am to this hour confident that if sufficient reinforcements had been sent from hence, and the plan of operations which I took upon me to propose, had been adopted in its proper extent, the war in North America would now have worn a very different aspect.

I have heard it has been said, that my civil commission was inconsistent with my military command—and that my mind was more intent upon bringing about a peace by negotiation, than by force of arms. Sir, thinking it my first duty, I certainly should have preferred the former mode of conciliation, and my brother and I for that purpose did go to the utmost verge of our very limited commission and instructions. But our proceedings in the character of commissioners never for one moment suspended our military operations. We soon saw that the leaders of the rebellion were determined, from interest, if not from principle, to prevent a reconciliation with Great Britain, and therefore our joint endeavours were invariably exerted in the prosecution of the war, to as great an extent as the force in our hands would permit.

The reflection, that the civil and the military commission were incompatible, has, I know, been applied particularly to my conduct. I boldly assert it to be ill-founded, as I am certain I never delayed to seize an opportunity of attacking the enemy, consistently with my duty of weighing the risk of ruining the cause I was engaged in by a considerable loss of troops: and indeed those who are acquainted with my commission and instructions, as a commissioner of peace, must know, that from the restrictions they contained, it was next to an impossibility, that my military could materially interfere with my civil duty.

I have trespassed, I fear, too long upon the patience of the committee.—The great importance of the subject, and the detail of facts, I have been necessarily led into, will, I hope, plead my apology. I shall trouble you with but a word more; in support of the measure of proceeding to Philadelphia. Before I came from thence, I had every reason to be perfectly satisfied

of the advantages that would have ensued from that operation, if the councils at home had thought the post proper to be preserved. The inhabitants in general of the province of Pennsylvania, those of the lower counties on Delaware, and those of the lower part of Jersey, were forward to return to their allegiance, and even to assist offensively in compelling his Majesty's revolted subjects to their duty. This favourable disposition, however, did not appear immediately—An equivocal neutrality was all I at first experienced; our successes and apparent ability to retain our advantages, induced the inhabitants at last to be less reserved. Secret intelligence, which, until that period, had been extremely difficult to procure, was then so good, and so readily obtained, that I could not but attribute it to the possession of Philadelphia, which convinced the country of the superiority, and persuaded them of the established power of his Majesty's arms. The difficulties of the Congress, in raising supplies, and in recruiting Mr. Washington's army, then indeed became real, and had the appearance of being unsurmountable. But the French treaty, and our orders to evacuate Philadelphia, by which measure the protection of his Majesty's forces was to be withdrawn from the province, made a sudden and melancholy change in our affairs. The rebels were inspired with fresh hopes; the friends of government were dismayed.—But it is not my intention to animadvert upon orders sent from hence after my recall, nor upon the future prospects of the war. My view is merely to justify my own conduct during the time I was honoured with the command.

This narrative has, I fear, been too prolix; but the subject was so complicated with matter, and the circumstances necessary to be brought into a clear point of view, were so numerous, that brevity would not have been consistent with perspicuity. Had I laboured to make my narrative short, it would have been obscure. Sensible as I am of the great attention and indulgence with which the committee has honoured me, I now hasten to the conclusion. The Secretary of State, as appears in his letters, has signified in the most flattering expressions, his Majesty's approbation of every material part of my conduct, during the whole of my command. His lordship's own personal applause is also very warmly conveyed throughout his correspondence; all his let-

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ters, however, may with propriety be said to have been private letters, until they were laid before this House. The knowledge of the approbation they contained was confined within his lordship's breast and mine. When calumny first became busy with my reputation, I could have wished his lordship's sentiments more generally known;—though it would not perhaps have become me to have obtruded upon the world those official declarations in my own favour. But I must ever think it would have been an ingenuous, an honourable, and a liberal part in the noble lord, to have avowed openly in parliament, the approbation, which it is to be presumed he was convinced I deserved, because he had advised the King to bestow it. Such a conduct would have stopped the current of ill-founded accusations against me. Such a conduct would have secured to himself the confidence, and to his country the cheerful services of future generals.

And now, Sir, having endeavoured to bring before you, by the most impartial quotations, all the evidence that I thought necessary to collect from the papers on your table, I shall only remind you, that the House has ordered the attendance of several of the most respectable officers who served in America during my command. Their testimony may confirm the truth of the facts I have advanced, and will undoubtedly explain and prove any other material circumstances which you may think necessary for your investigation.

And, Sir, if the House of Commons, or any individual member, shall have any charge or accusation to make against me, I declare myself ready and willing to meet it. The committee is open for the reception of any other papers, and for the examination of any other witnesses. My only wish is, that every possible light may be thrown upon every part of my conduct. I move "That earl Cornwallis be called in."

After a few words, it was agreed not to call in the witness this day. The committee was ordered to sit again on the 29th.

April 29. The House having again resolved itself into the committee,

Sir William Howe rose, and after reminding the House that the justification of himself and of his noble brother being the grand object for which he had troubled the committee to read the papers on their table, it was now necessary to support a great number of facts stated in those

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papers, by calling evidence to the bar: and therefore he moved, That lord Cornwallis be called in.

Earl *Nugent* expressed his dislike of the enquiry in general, and his determined resolution to oppose the admitting any evidence which might eventually affect the conduct of the hon. commander, or his noble brother. He saw no necessity for any enquiry at all, much less into that of the hon. general or the noble lord. They did not stand accused before that House; the papers on the table contained the fullest approbation of their conduct, under the hands of administration. They had been received in an honourable manner by their sovereign, and with joy by their fellow subjects. There was scarcely a letter on the table which did not contain some fresh proof what confidence his Majesty reposed in their zeal, their integrity, and great military talents. The best founded eulogiums had been made upon them in that House, from every quarter. It was said indeed, that some runners and whisperers, and coffee-house politicians, had traduced them in pamphlets and newspapers, but if that was sufficient ground for enquiry into the conduct of a minister or a commander, he did not know one of either description who had escaped; such was the spirit of the times, and such the licentiousness of the press, that there was no remedy which could be applied, that might not be productive of greater evils; besides, the argument, if applied at all, went this length, that any person who was traduced or vilified in pamphlets and newspapers had a right merely on that account to have a parliamentary enquiry into his conduct set on foot; every person so circumstanced had the same right, which if no other business was transacted, would take up more time than parliament could spare.

But even if the House had leisure and inclination to enquire, they were not competent to the task, for what is the professed object? The hon. general says, to enquire into military matters. That House had nothing to do with general or particular military points. How could gentlemen sitting in that House pretend to judge of the proper distribution of a large military force, or of the good or bad disposition in the field; of the position of a brigade, or the manœuvres of a column. It was absurd and preposterous; and could only originate in misconception in general, and an earnest though unnecessary zeal

in the hon. commander. Were that House even composed of military officers, land and naval, so numerous a body would be far from being the proper tribunal for such an enquiry. The constitution had made another sort of provision for dispensing military justice, he meant courts-martial, whenever circumstances called for it; but in a case such as the present, where there did not cast a shadow or colour for censure of any part of the hon. commander's conduct, it was demonstrably clear, that as it was not competent in that House to enquire into or decide upon military matters, in any given situation whatever; neither could a court-martial take cognizance of any thing respecting the noble admiral or his brother, without an accuser. Where was that accuser to be found? Not in that House, he was certain; if without doors, why did he not come forth, and state his complaint. As no such person had come forth, he was justified in contending, that no such person existed, and further in affirming, that both the commanders stood acquitted in the opinion of their sovereign and their country.

He did not find fault with the strong desire, manifested by the hon. commander, who made the motion. God forbid he should pass any censure upon a conduct apparently suggested by a nice sense of honour! But what of that? Had not the hon. commander been indulged? Had not he been heard in his own justification? Had not all his wishes, so far as they pointed to his full justification, been gratified? And was not he furnished with a full opportunity, in a very long and able speech, of proving that every idle or loose discourse concerning his military conduct, was false and ill-founded, and that he had performed his duty with fidelity, integrity and ability?

He spoke for a considerable time as to the particular predicament another hon. general stood in (*Burgoyne*) should the present enquiry be proceeded upon. Supposing for instance, the House should think proper, after weighing the circumstances between that gentleman and the noble lord at the head of the American department, to have his conduct enquired into by a court-martial? What would be the consequence? That at the very instant the committee should come to that resolution, they must know that it could not be complied with; they must be previously informed, that that hon. com-

mander was not amenable to any military or other jurisdiction in this country; that being a prisoner under the convention of Saratoga, he was only amenable to the Congress, and if even found guilty, could not be punished, till freed from his prior engagement, by either release or exchange, or by a full exchange of ratifications on both sides. He made these suppositions merely in maintenance of his general arguments, not by any means intending to pass the least degree of censure upon that gallant but unfortunate officer [a little disorder.] He would repeat the word 'unfortunate,' for he thought the capture of that army was the great and original source of every subsequent misfortune, of the insolence of our rebellious subjects in rejecting the very favourable propositions agreed to in parliament, and offered through the channel of his Majesty's ministers; and of the perfidy of the foreign enemy, and the critical and alarming war in which at present we are engaged. He had the highest opinion of the hon. general's valour and zeal; and if any blame was imputable, which he was far from giving any opinion upon, one way or the other, the most it could possibly amount to, was, that his ardour to serve his country got perhaps the better of his prudence.

As an additional argument for the propriety of stopping the enquiry, his lordship said, it would necessarily run to great length, and there was other parliamentary business of the first importance, which called for the immediate attention of the House. Every gentleman who had a house or a servant, was concerned in the business yet to be brought on, business which could not admit of delay; besides this, while they were sitting under that roof, idly wasting their time in fruitless enquiries, France was busily employed, he feared, in preparing for an invasion of these kingdoms, though he was rather inclined to believe of Ireland; for which the conduct of that House in the present session, had paved the way by the obstinate and repeated refusals given to attend to the oppressions and grievances of that country, or to administer any species of relief. [A cry of Order! order!] He repeated the assertion, and declared that the obstinacy of the House in denying all relief to so oppressed and impoverished a people as the Irish, had thrown that kingdom into a state of despair, and that they were now ripe for any revolution, as they considered they could not possibly change

their masters to a disadvantage. After speaking to a great variety of points of less moment, and solemnly declaring he had formed his intention of endeavouring to stop the enquiry, merely from the impulse of his own feelings, and that he had not consulted any minister, or any one man on the occasion, declaring also that he did not then know whether he should be seconded, his lordship moved, "That the chairman do leave the chair."

Lord North said he should not second the motion, although he highly approved of part of it, and thought the majority of the arguments used by the noble lord solid and justifiable. His lordship entered at large into his reasons for wishing that lord Cornwallis might not be examined, and why it was not proper for that House to proceed to a military enquiry. His lordship said there was no charge nor no accuser; that he had never heard of any charge, and that the hon. general's own account of his conduct read to the House last Wednesday, was an ample answer to any whispers or libels that had been circulated against the hon. gentleman's character. That he was free to say, he was perfectly satisfied with the hon. general's conduct, and though he did not mean to pass an opinion upon his military conduct, either one way or the other, he made no scruple to declare that he had done his duty in every particular. His lordship spoke of the delicacy of examining inferior officers as to their opinion of their superior, the commander in chief's behaviour during a war. That it would be putting them under an unnecessary difficulty, and that if the enquiry were pursued ever so far, the result being founded merely on *ex parte* evidence, must be useless to the hon. general, and disgraceful to the House. If there was any intention to charge administration, or any one member of it, with criminality, he was for having the enquiry proceed, though he should expect, and had a right to expect, that the intention was then avowed, and the nature of the charge specified, in order that those charged might prepare the necessary evidence for their defence. If this were not the case, he thought a further pursuit of the enquiry needless.

He differed in opinion from his noble friend, that that House was incompetent to enquire into the conduct of persons, occupying high offices in the state. In such occasions, they acted as a grand national and constitutional inquest; but as

to military matters, he should, for one, never consent to have them discussed in that House. The conduct of ministers was a very proper object of parliamentary enquiry; the wisdom and justice of that House were frequently exercised in such enquiries; but was that principle applicable on the present occasion? By no means. No such intention was stated; the hon. commander who moved for earl Cornwallis to be called in, neither stated or avowed any such thing. His motion was specific; it was to examine his lordship to general and particular points. But to what purpose? The hon. general, so far as parliament was concerned, stood acquitted in the face of his country. No accusation was urged, no reply was made to his narrative.

It was a very able defence, and in his opinion a very full and ample exculpation of his conduct, so far as that House was either competent to entertain, or enabled to decide: but what more. The hon. general was for going on with the enquiry. *Cui bono?* To what purpose? To shew that no farther enquiry is necessary. In this particular, he entertained a very different opinion, and drew in his own mind a very different conclusion. Suppose the House proceed; suppose upon the evidence, they should acquit: follow it then up with another supposition, that many conceived differently from him, respecting the hon. officer's conduct. Will any one person of that description be convinced by such a decision? Will it wipe off one stain, or meet one criminal charge urged against him without doors? Not one; he will just stand in his former situation; no man will be a bit more convinced of his innocence than before the enquiry was set on foot. Each will retain his former opinion, and the House will be drawn away from the discharge of its most pressing duties, to no manner of purpose.

Is the conduct of ministers, then, the latent object of this enquiry? It may, when expressly resumed for that purpose; but not at present. Is it intended to try and determine upon the conduct of administration by a side wind, in an oblique indirect manner? If that be the object, let it be declared, let the accuser fairly stand forth, avow his charge, and compel them to answer. When that is avowed, ministers will know the accuser and the accusation; they will know in what manner to make their defence. It was true the noble lord near him (G. Germain) was

more immediately concerned in the subject of the present enquiry than he; it being transacted in the department over which his lordship presides; but so far as the conduct of the war could be the object of parliamentary enquiry, both he and every other of his Majesty's confidential servants were equally responsible. Their conduct lay open to examination from the correspondence on the table. They did not wish to decline enquiry, but he certainly meant to oppose every attempt to go into any kind of military investigation, either for the purpose of deciding on the conduct of the generals, or as a concealed ground of passing a censure upon ministers.

The Chairman then acquainted the committee that a motion had been made, "for calling in lord Cornwallis:" since which, another motion had been made "that he do now leave the chair." The latter question he should now put. An objection having been started, that the motion made by the noble lord who spoke first, had not been seconded, it was answered from the chair, that it was not necessary in a committee, though it was in the House. While the House seemed undetermined what to do,

General Burgoyne rose and said: although the enquiry into the conduct of the noble lord and the hon. commander, should terminate by carrying the motion made by the noble lord, for dissolving the committee, he trusted, that the justice of the House would give him an opportunity of proving his own innocence. If those commanders stood justified in the opinion of ministers and that House, he stood in a very different situation. He was astonished to hear a motion for stopping the enquiry come from that noble lord (earl Nugent) who he really believed to possess in most instances an uncommon degree of candour. His arguments might have had some plausibility when the papers were first moved, but the House, by admitting them, had adopted the enquiry, and in consequence different gentlemen had collaterally given opinions in their places, and reasoned upon and censured many circumstances relating to the military conduct of the war. Part of his conduct now stood arraigned in parliament. The House would not have admitted these discussions, nor could any gentleman in honour have desired to indulge himself in such a liberty, had they not supposed the censured would have full scope to defend them.

selves; every man who had delivered sentiments that touched those employed in the war, were pledged in honour to support the enquiry.

The noble mover had said he did not act in concert with any minister in opposing the enquiry; there could be no doubt of his veracity in that assertion; for the part he was taking was more hostile to administration than any taken by the other side of the House, in any part of the session. The honour of ministers was deeply concerned to proceed. They are accused of covering their own defects by the relinquishment or crimination of those they employ, of having adopted that odious, abominable, infatuated system, not only of leaving officers unprotected, but of laying snares in their way to effect their ruin: in these days, it is said, the principle of disgrace is implanted the very moment of their appointment, like that of mortality which is supposed in the animal system to be coeval with existence: "the young disease grows with their growth, and strengthens with their strength," till upon the first ill-success in the field, or the first defection in this House, out it bursts, and hurries them to destruction, and they are delivered over to those worse than butchers, the tale-bearers and whisperers, and carriers of detraction, who dissect and mangle them at will, and hold them out a spectacle, *in terrorem*, to teach others more servility.

If a multitude of officers, a number unheard of in any former period, have withdrawn themselves from service upon factious motives, to promote private interest, or to bring their friends into power, they are worse than the agitators of Cromwell, they deserve every punishment an injured country can inflict. Let it begin with this House, be enforced by the King's displeasure, ratified by every honest man in the kingdoms; let us not pass the streets without marks of resentment, be deemed the objects of detestation, deservedly the outcasts of society. But if it shall appear that the want of confidence and protection has been as general as there have been commands; that an officer is stated in this House to have all he requires, when he is withheld a third part; that another is made responsible for all blame, because he drew his own plan and instructions, when the minister so stating him knew both facts to be false; that when an officer's conduct falls into question, his own reasons and motives are suppressed, though the mi-

nister has them in his pocket. I contend, if these allegations are true, officers are not only justified, but called upon by their duty to themselves and their country, to vindicate their wrongs in the face of power, and let this enquiry be the test between them and their adversaries.

He took a cursory review of the various assertions which he meant to make and to support by proof; and repeated his complaints of being denied an interview with his sovereign, whose ear was daily poisoned against him. His preclusion from the royal presence was not only effected by insidious pretences, but was unprecedented, though a court martial had been actually certain. Every captain who loses a king's ship, in fight or by a wreck, is, by the constant rule of the service, to be tried by a court-martial. Was it ever heard of, that an officer in that situation was forbid the court? A recent instance is full in point: capt. Windsor, prisoner to France, returned upon his parole, cannot be tried upon that account; has not that gallant officer been received at court as he deserved? These examples being so general, make any deviation from them absolute censure: it becomes a manifestation on the part of government to the nation, that the person proscribed is known to be guilty. Let it not be supposed that these complaints originate from a hankering after the presence-chamber, upon interested or adulatory motives. No: to wish the countenance of his sovereign, when he was not conscious of having deservedly forfeited his pretensions to it; to submit his actions to the royal judgment was not, he hoped, a servile ambition. But chiefly and principally he lamented being deprived the audiences his rank gave him a right to; that he was thereby precluded doing justice to the merits of the army—that gallant army, which deserved so much, but was thought of so little! He feared their attachment to him made their crime. In the profusion of brevet rank lately bestowed, not a single preferment had been given there; the list of colonels, in particular, had stopped with an officer only a few days older than lieutenant. Hamilton, who had acted as brigadier, as brave and distinguished an officer as the service could boast: those upon the list between him and where the preferment stopped were upon half pay, except two or three. How satisfactory would it have been to the army to have included his name in that promotion! yet even

that small attention was denied. Upon the whole, if the enquiry was refused, let the world see who had refused it—who had pressed it. One measure still remained, viz. to lay before the country at large what he had wished to submit in particular to the delegates in parliament, the great, the enlightened, and he insisted the proper tribunal in all cases of public interest or national honour.

Lord *G. Germain* denied that he took any particular part in preventing the hon. general from seeing his sovereign. It was the opinion of the cabinet, not of any individual member of it, that he could not with propriety be admitted to the royal presence, till his conduct had been enquired into. Enquiries were customary on occasions somewhat similar. But the hon. gentleman's case was found to be a new one, not being amenable to any civil or military tribunal in this kingdom; and that was the true reason that his enquiry had not long since been entered upon by a board of general officers. The hon. gentleman had complained greatly of the coldness and neglect shewed the troops under his command, now prisoners under the Saratoga convention; and imputed this neglect, as arising from ill-will and resentment towards the general. The fact not being so, the reason must stand contradicted. Ministers entertained no ill-will nor resentments; nor were the captive troops neglected: so far from it, they had never ceased their endeavours to procure the liberty of those brave men, and to obtain for their country the benefit of their services; and he had this pleasing circumstance to communicate to the House, of the happy tidings that those exertions on the part of administration had at length succeeded; for he hoped and trusted, that at the time he was speaking, the captive army was again restored to its liberty. The truth was, that he had received by the last dispatches from sir H. Clinton, the important intelligence, that the breach of the convention of Saratoga was looked upon by every honest man in America, as well as Great Britain, to be a most shameful violation of public faith; that the Congress finding that a general clamour began to prevail, and that their constituents began openly to condemn what so nearly affected the national honour, had sent word to the general, to send commissaries to treat upon the terms of the former negotiation, in order that the convention might be finally rati-

fied. As to the order for the hon. general's return to his captive army, he asserted, that the order was framed in cabinet, and did not originate with him, as an individual. His Majesty was there advised to give directions for that order. He did not desire to be understood, that he differed from the rest of his Majesty's confidential servants; on the contrary, he begged leave to repeat what he had so often asserted, that in his opinion, the hon. general ought to have returned and shared in the adversities of his army. If he had, he would thereby have rendered captivity easier to those brave men who served under him: and he had every reason to believe, that their enlargement would have been much sooner obtained.—As to the question, more particularly the object of the present debate, he perfectly agreed that the opinion of military men, on the motions and manœuvres of armies, was no proper matter to be heard, discussed, or decided upon in that House. But so far as the correspondence on the table respected his conduct in the department in which he had the honour to preside, he was ready, on the shortest notice, to enter into his justification: and he could not see to what purpose the committee could proceed, unless it were to decide upon the conduct of ministers, so far as their plans had been founded in weakness or wisdom.

Earl *Nugent* consented to withdraw his motion for the chairman's leaving the chair.

Sir *W. Howe* observed, that the question for calling in lord Cornwallis ought to be enlarged, by adding the words "a general and particular account of the conduct of the American war."

Lord *North* instantly caught the words, and moved an amendment in nearly the very terms. The motion with his lordship's amendment run thus: "That lord Cornwallis be called in and examined relative to general and particular military points, touching the general conduct of the American war." The chairman put the question on the amendment.

Mr. *Fox* said, that the intended effect of the motion, was a public avowal of ministers to suppress all enquiry into their conduct. How was it possible to judge whether they acted right or wrong, till it was first known whether their plans and instructions were founded in wisdom, or were in themselves practicable? How could that be known but by the opinions

of officers serving on the spot, who were the best judges how far the plans were practicable, or the force adequate? America was lost; 40 millions and 30,000 lives had been already expended; the correspondence on the table contained opinions diametrically opposite to each other; the commander in chief says in his letters to the noble lord, the Secretary to the American department, "I want 20,000 men for the ensuing campaign, and I cannot expect to succeed with a less reinforcement." "No," says the noble lord in his answer, "I cannot let you have so many: I can let you have 6 or 7,000. You are going to Pennsylvania, where great numbers will resort to the royal standard; you may by that means recruit your army to the necessary complement." Well, the hon. commander proceeds, at the head of a force he deems inadequate; his army is not recruited in the manner foretold by the noble lord; the operations miscarry. How, then, can the House judge on this affirmative and this negative? Only by knowing from officers of rank, on the spot, which of the two hon. persons was in the right; he that said such a force was adequate, or he that said such a force was not? It put him in mind of two lines in an old song, "You know you're in the right, I think you in the wrong." After examining several other passages in the correspondence, in the same manner, and demonstrating in several instances a contrariety of opinion between those who planned, and the person who was to execute, he laid it down as the only test to lead to a proper judgment, on the whole of the conduct of ministers and generals, to examine witnesses *vivâ voce*, to prove to the House who was wrong and who was right. A refusal on the part of administration to admit such evidence, he contended was a clear acknowledgment of guilt; they dare not face the enquiry, because they knew it would lead to their conviction; and they now by the most shameful evasion, and a mere trick of debate, endeavoured to avoid it, under the most scandalous pretence, that the House was not competent to receive or decide upon evidence respecting the conduct of military commanders. The noble lord in the blue ribbon who had recourse, because he was driven, to this pitiful shift, well knew that the question fairly before the committee was, whether the plans were practicable, or the instructions such as could be defended? Afraid to meet the issue, his lordship

raised an objection, which he knew, if carried by the amendment, would amount to a dissolution of the committee.

What did the papers on the table present? a string of contradictions between the general and the cabinet. The minister at the head of the finances, after several breaches of promise and false predictions, tells that House, that the whole strength of the nation shall be exerted; that 70,000 men and a suitable navy shall be the consequence of those exertions. The general and admiral accept upon those conditions; the men and ships are voted; 70,000 men appear upon paper, while little more than half the number of them ever appear in array. America is lost; the general is blamed for not performing impossibilities, and impossibilities previously and timely stated by him; but when a proposition is made, to know which party is wrong, or which is right: No, say the offenders and authors of our misfortunes, the truth can only be known in one mode by the means of a particular species of proof, and that we are determined you shall not have.

Such was the case of his hon. friend near him (general Burgoyne). That gentleman undertakes a certain service with a certain force; he never gets half that force; he desires discretionary powers; he is refused them. By a letter on the table, he disapproves of employing savages; he is compelled to employ them. The noble lord, who approved of the original plan, who neglected to perform his part of it, who struck out of it the discretionary power desired, who forced savages instead of veteran troops upon the commander, refuses the testimony of military men, for the best reason in the world, because he is convinced, that if military men were to give their opinions on those particulars, they would and must decide against him. The officers who served under his command would, he knew, bear testimony, that savages, independent of the barbarity and horrid cruelty of employing them, were not to be depended upon; that the force was totally inadequate to the service; and that all the difficulties and misfortunes that followed, to the surrender at Saratoga, were imputable solely to the peremptory orders which the general understood himself bound to obey, by the striking out of his original plan the discretionary power proposed, which would have left him at liberty to vary his operations, according to times and circumstances.

He attacked the noble lord at the head of the American department, and the whole cabinet, respecting their insidious conduct towards the hon. general near him. He called upon the subordinate instruments of administration to stand forth like men, and avow their sentiments. One learned gentleman (Mr. Dundas) on the first proposition for a committee, had spoken of the expedition from Canada in very strong and decided terms, and had, without a tittle of proof, censured the conduct of the hon. general who commanded it; the same learned gentleman had, more than a year since, found fault with the operations of the grand army to the southward. An hon. friend of his (governor Johnstone) had not been backward or shy, in publicly declaring his opinions upon both the naval and military conduct of the American war, so had several other gentlemen in that House. He should forbear to lay any stress on the pamphleteers, runners, whisperers, and coffee-house emissaries of administration; they had all received the lie direct from the noble lord in the blue ribbon. It was now pretty clear that his lordship was not their employer; but as to those gentlemen, members of that House, who, by their respectable situations and independent spirit, had publicly avowed their opinions, he expected that they would have the candour either to renounce them from conviction, or maintain them upon those laudable principles on which they had affected to adopt, or were willing still to adhere to them. They were specially called upon to forward the enquiry in its fullest extent, or honestly recant, and subscribe to the creed of the noble lord in the blue ribbon; "that the noble admiral and the hon. general had acquitted themselves with the utmost bravery, fidelity and skill; that the hon. general's narrative brought home conviction to every impartial mind; and, that it would be wasting the time of the committee to no manner of purpose, unless the object of future enquiry was meant to be directed to an examination into the conduct of ministers. If, therefore, the noble lord should obstinately persist in his motion, he made no doubt but such gentlemen as had censured the military conduct of commanders in their absence, would be the first, if they should not have changed their former opinions, to give an opportunity to those gentlemen to exculpate themselves, and of course vote against the amendment proposed by the noble lord.

He dwelt some time on the great praises bestowed on the commander in chief by the ministers; there was scarcely a letter which did not contain the most flattering expressions. But he mentioned that circumstance only to shew the treachery of one, if not all of them. The noble secretary, while he was loading the general with encomiums on his zeal, activity, and talents, was secretly undermining him; for the whole correspondence shewed that he never had his confidence. When the general gave an opinion, the secretary answered him in the negative; he had his spies and informers on the spot; he trusted to their information, not to that of the commander in chief; so that while he made the general responsible for the events of the war, he was, by means as foolish and preposterous as they were base, endeavouring all in his power, to defeat the very measures he seemed so anxious to carry into execution.

He said, the noble lord's amendment went to an actual dissolution of the committee, and an implied acknowledgment of guilt in administration, by putting a stop to an enquiry, which they dare not meet; he said, he could not sit down without stating an instance of their grossest folly and absurdity, in which the most palpable art had been blended. They first approve of the operations to the southward; they after that seem to give a preference to the northern expedition: and before they were acquainted which of them offered the best prospect of success, they give a preference to the southern; and lay the motives of their refusal to comply with the requisition made by the general for a greater force, not upon the probability, but the certainty of his being able to recruit his army, to the desired complement, in the loyal province of Pennsylvania!

Lord Howe said, that the accusations made against him and his brother, were not, as had been asserted, confined to newspaper attacks, to conversations without doors, to the coffee-house runners and emissaries of administration. Their conduct had been publicly arraigned in pamphlets written by persons in high credit and confidence with ministers; by several members of that House, in that House, in the face of the nation; and by some of great credit and respect in their public characters, known to be countenanced by administration. One of them in particular (governor Johnstone) had made the most direct specific charges, and had in a manner

pledged himself to the House to bring them forward, at least to second a motion for an enquiry. Ministers, though their dispatches were filled with the fullest testimony of approbation of their conduct, remained silent, when general censures were passed upon him and his brother in their absence; and since their return, never rose to contradict them in their presence. They made general answers, that they did not accuse the commanders, but that they were ready to meet an enquiry at any time; yet the first instant an enquiry into the conduct of himself and the hon. general near him is proposed, they fly from it, and refuse the only means that the nature of the business admits, for the discovery and discussion of truth. The noble lord in the blue ribbon, it is true, passed some commendations on the conduct of the commander in chief; but cautiously qualified them by saying, that though no person appeared to accuse him, it did not follow that he stood acquitted in the opinion of his country. That circumstance wiped off no stain nor crime that he might be accused of; that was the proper business of another tribunal. He joined in opinion with the noble lord, but he, at the same time, looked upon it to be a most cruel circumstance, to keep a man in a situation where he stood accused before the public, and deny him the means of proving his innocence. The object of the enquiry was to discover if there was any ground for an accusation of him or his brother. If it should be stopped, they must continue under a load of public obloquy, without a possibility of ever clearing themselves from the various imputations made against them, or they must have their conduct enquired into by a military tribunal.

Mr. *Dempster* contended, that the present was the first instance in the annals of parliament, that a reference of an order of the House to a committee was clogged with an amendment made in that committee. The order of the House was to examine witnesses; the amendment imported a negative to that order, and of course went to a substantial contradiction of the order of the House. Lord Cornwallis had, with consent of the other House, been ordered to be examined. The amendment, if carried, which was in effect a negative of the main question, and would prove so, would then contradict the order for examining the noble lord.

Mr. *T. Townshend* said, that the con-

duct of the noble lord who moved for the dissolution of the committee, was much more open, fair, and explicit, than that of the noble lord in the blue ribbon, who, meaning the same thing, was ashamed to avow it, yet by his motion strove to defeat the enquiry as effectually as the other.

Colonel *Barré* desired that the original order for the attendance of lord Cornwallis might be read by the clerk, which being done, Here, he said, was an express, general order of the House, which, if the noble lord's amendment should pass, and the amended question receive a negative, the consequence would be, that the orders of the House would be sacrificed in order to screen ministers from punishment; because the order for lord Cornwallis's examination would be prevented by a resolution come to in the committee.

Mr. *Dundas* prefaced his speech with two observations; first, that the House had no jurisdiction whatever, for they could neither condemn nor acquit; secondly, that he should not have spoken at all, were it not for allusions made to expressions which had fallen from him in former debates. He rose to avow those sentiments imputed to him, which he still retained. He said, that as soon as the grand army went to the southward, he gave up all hopes of success. He believed that to be the case, and that the miscarriage of the northern army was the cause of all our subsequent disappointments and misfortunes. He then proceeded to answer such parts of general Burgoyne's speech as related to his justification. His chief argument was, that the general looked upon himself to be peremptorily bound to force his way to Albany; but it was plain that could not be, because his correspondence with sir H. Clinton demonstrated, that he looked upon himself invested with a discretionary power; otherwise he could never have advised with sir Henry whether he should attempt to make his way to Albany, or endeavour to effectuate a retreat to Ticonderoga.

Lord *North* made a short reply, recurring to his former argument respecting the incompetency of that House to decide upon military matters. His lordship answered lord Howe and Mr. Fox, upon his supposed approbation and acquittal of the hon. commander in chief. He was no judge, nor did not by any means presume to decide any farther than his private opinion on the papers upon the table, which could signify very little one way or the

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other, uninformed as he was, and unequal as he must be to the task. There was a legal and proper tribunal, where such enquiries could be entertained. The opinion of that House, in favour of the hon. commanders, was a very honourable testimony, but still it was no more. It was no acquittal; that could only be effected by a decision of their peers, in the manner and by the mode which the constitution had prescribed. As far as he could venture to pronounce, no such enquiry was necessary; but if the parties concerned should press for it, he made no doubt that they would be found to have performed their duty like able and gallant officers.

Sir *E. Astley* spoke for the enquiry, contending that it could not be defeated without the most manifest injustice.

Colonel *Onslow* rose to avow his former opinions, that going to the southward had been the cause of the misfortune which happened at Saratoga, and the mis-carriage of the American war. Nay more, he was not unwilling to affirm, that the war might have been crushed in the first instance, if, on the day the rebels had been defeated on Long Island, the 23d regiment of foot and the grenadiers of the army on the right, under sir *H. Clinton*, had not been prevented from forcing the enemy's lines. He was an honest man; he would speak his mind; he was a Whig; and if an enquiry should take place, he hoped it would be instituted before a proper tribunal.

Sir *William Howe* thought the hon. gentleman had been rather premature in his observations, and contradictory in the conclusion. No proof relative to the fact was before the committee. The hon. gentleman said, the House was not competent to enquire and decide; and yet as an individual of that body, he ventured to decide upon his conduct. He assured the hon. gentleman, however, that he was grossly misinformed; and that as such a direct charge had been made, he thought it an additional reason, that that House should investigate it, and see whether it was well or ill-founded.

Sir *W. Meredith* contended, that there was not a possibility of separating the two objects, the conduct of ministers and of military commanders. The former could not be judged, without knowing how far their plans were or were not practicable; nor the latter without knowing and measuring the means which had been put into their hands. He spoke likewise to the

point of order, and lamented that the particular situation of any set of men should oblige them to employ their influence over the House, in such a manner as to make a surrender of their own privileges; and instead of order and regulation, introduce by so ill-founded a precedent, in their place, what must be inevitably introductory of anarchy and confusion.

Sir *George Savile* promised administration, in case of a successful division, that they would be welcome to his vote to totally dissolve the committee; for in his opinion, any farther investigation would be to no purpose. He laughed at the flimsy pretence of the noble lord in the blue ribbon, who supposed, that the present was a military enquiry or trial; whereas his lordship knew that the object in view was, whether the evidence to be delivered at the bar was such as might render a military enquiry necessary.

Mr. *Burke* said, the noble lord in the blue ribbon would not accuse; the other noble lord, the American secretary, would not accuse. What a ridiculous farce it was! Had not a learned gentleman, daily making rapid strides to the primate of ministerial favour, accused, and with great candour, specifically accused? It was true the learned gentleman had charged his side of the House with want of reason and argument; the charge might be true, but of all persons in that quarter, he expected such a charge least of all from the learned gentleman; because, with candour and openness, and in a direct career to his point, he never knew an hon. gentleman clog or entangle himself less, with either reason or argument.

General *Conway* called upon ministers to declare whether they denied the competency of the House to institute or proceed upon such an enquiry? He dared them to the assertion; and protested, during the 30 years he had sat in parliament, he never saw so gross an attempt to violate the inherent and constitutional privileges of that House; whether in respect to the breach of order, or, which was of infinitely greater consequence, the denying that that House had a right of inquisitorial jurisdiction over every department in the state.

The question was put on lord North's Amendment, and the Committee divided; Yeas 189, Noes 155. The debate recommenced on the main question.

Colonel *Barré* moved, "That lord Cornwallis be called in, and examined re-

specting the subject matter of the papers referred to said committee." The colonel said, that the committee could not, without a direct violation of the established and incontrovertible usages of parliament, contradict, by a vote in committee, an order of reference made to it by the House.

The House, after about half an hour's discussion, divided a second time; Yeas 158, Noes 180.

Lord North said, that the House could not, consistently with justice, and the nature of the constitution of such an assembly, hear or determine upon military matters, the proper cognizance of which could only be decided upon by professional men.

Mr. Fox disapproved of every thing urged by the noble lord. He brought the whole controversy to this issue: the commanders have done their duty; they want to prove it: ministers are conscious of their incapacity and guilt; they attempt to evade; they shrink from the enquiry, conscious, that if gone into, it must terminate in their dismission and consequent punishment.

Mr. Burke instanced a great number of particulars where the commanders had been blamed, that called for the evidence of military men, in order to ascertain the truth, not of the propriety of military manœuvres of a regiment, a column, a detachment, or even the manœuvres of the whole army, but respecting points merely deliberative and political; such as, whether it was better to attack Washington when strongly posted in the Jerseys? to go up the North River, or to go to Pennsylvania? to push the provincials at Long Island? whether to stop further pursuit at the White Plains, &c.? These were matters, none of which could be decided upon without taking the opinions of professional men on the spot, who knew the country, were informed of the nature of the resistance expected to be made, and the real motives which gave, or did not give, the preference to the measures adopted on those several occasions. To stop such information, therefore, by a vote of that House, was, in fact, stopping an enquiry into the conduct of administration; for if the commander had acted right, it followed, that the measures of policy were dictated by weakness and ignorance, and now attempted to be covered and screened by the most shameful and criminal evasion and imposition.

Sir George Yonge spoke to the order of the House, and expressed a mixture of

contempt and pity for the situation the noble lord had been forced into by venturing to stake his credit and character, in support of a set of men in office, who had rendered themselves utterly despicable and detested even by a majority of that House.

Lord North felt sir George's expressions very sensibly; and said, he appealed to the House and the public for the justification of his conduct and the rectitude of his intentions.

The question was put upon colonel Barré's motion, and was negatived without a division.

May 3. As soon as the private business was over,

Colonel Barré repeated his motion of April 29, which had been negatived without a division. It was conceived in the terms of the order of the House, made before the Easter recess. In consequence of this order, lord Cornwallis had, with the consent of the House of which he is a member, complied with that order. He was in waiting the last day the committee sat; but as soon as the committee was formed, a motion was made by a noble lord, that the chairman do leave the chair, which, in fact, went to a direct dissolution of the committee, and was an avowed declaration, that no such enquiry ought to be farther proceeded upon. This was open and explicit, on the part of the noble lord, so far as it referred to the nature and object of the enquiry itself. Another noble lord, (North) who meant exactly the same thing, but who had not the courage to avow it, pretended to disagree with his noble friend. "No," says the noble lord in the blue ribbon, "I will not second the noble lord who has moved for the dissolution of the committee. We ought to have an enquiry, there ought to be an enquiry into the conduct of ministers, but it shall be on a specific charge, and no evidence shall be received respecting military matters;" that is, you may enquire into any thing, but the subject matter of the papers; the papers, so far as they apply to the conduct of the war, solely respect military matters; the committee may, however, proceed upon any subject they please, but what they were expressly convened to enquire into.—Having shewn the fallacy and absurdity of such language, he entered into a short narrative of what passed in the committee the last night, and shewed, by arguments

such as these, the noble lord had been able to defeat the enquiry much more successfully, than if he had supported his noble friend in his motion for the chairman's leaving the chair. He did not mean to enter into a discussion, how far the noble lord's arguments were or were not justifiable; the object of his intended motion was merely to support the order of proceeding. The order, as above stated, was for the attendance of lord Cornwallis; when this order came to be carried into execution, the committee refused to obey what the House had previously determined. He did not, it was true, take the sense of the House regularly by dividing it; but from the fate of the two other questions, which amounted in substance and effect to the same thing, and from the general and evident complexion of the House, he avoided a division to prevent unnecessary trouble. It was then a very late hour; the committee was fatigued; the question had been artfully entangled and buried in subtilty and extraneous matter. He could, therefore, easily make allowances for hon. gentlemen being misled into a resolution, to which they would not have consented in a cooler moment. The dignity of the House, the order and rule of its proceedings, and its credit and reputation without doors, were the motives for his present trouble. He therefore begged leave to move, "That lord Cornwallis be called in and examined, touching the subject matter of the papers on the table, respecting the conduct of the American war."

Mr. *Dunning* seconded the motion. He said, he had not been present at the former debate. It would be therefore understood, that he did not rise to speak to the merits of the question, but merely to the point of order. It might be competent to the noble lord to move an amendment to the motion as first proposed, or it might not; it might be very proper to prevent witnesses to be heard respecting military points; but being absent on particular business it was not fit for him to presume to determine one way or the other; he only rose to the point of order, and he should not offer a single syllable respecting the propriety or impropriety of receiving military evidence, till by rescinding the resolution come to in the committee, he should make his way fairly to the main question. In the beginning of April, the House, in the exercise of its authority, ordered, on the necessary conditions usual

on such occasions, that lord Cornwallis do attend, in order to be examined touching the subject matter of the papers then lying on the table. The papers are accordingly read, and when a motion is made for calling in the noble lord, the committee says, No: it is true, we have been appointed by a power competent to direct and controul our proceedings, but we will not obey; we will not examine lord Cornwallis. The point, therefore, which the House was called upon to decide was simply this: Shall the House controul and direct a committee appointed by itself, or shall the committee controul and direct the House? He recommended to the House seriously to consider what would be the consequence of giving a negative to the motion proposed by his hon. friend; in his opinion, nothing short of a total subversion of the law of parliament, so far as it respected the proceedings of that House, and the introduction consequently of disorder and confusion.

Lord *North* contended, that committees of the whole House, and the House itself, were almost analogous, and their powers co-extensive; so that in reality the orders of the one, and the resolutions of the other, substantially imported the same thing. They were, on questions of importance, equally well attended; the difference, in his apprehension, was little more than whether the Speaker was in the chair, or whether one of the members presided *pro tempore* in his place. As to the point of order therefore, which was the only objection stated by the hon. gentleman who made the motion, or his learned friend who rose to second it, he heard nothing urged sufficient to induce the House to rescind or contradict the resolution in the committee. The learned gentleman who spoke last, acknowledged, he had not been present at the preceding debate; it might be the case of several other hon. members; he would, with the consent of the House, state the transactions of that evening; for in fact, though the motion made by the hon. gentleman professed nothing more than the restoration of the order of proceeding of that House, the event would involve in it a question of the first importance. The order for the attendance of lord Cornwallis was the point from which the mistake originated. It was worded in the customary manner, by way of message to the other House, which prescribes the terms in which the message ought to be

worded, wherein the reason and object of the application must be set forth; first, that the other House may be informed of the matter to which one of their body is to be examined, in order to judge of the propriety of the request; secondly, that in case the House should give leave, the noble lord whose attendance is called for, may be at liberty to attend or refuse. This was the original cause of the present embarrassment; the other witnesses ordered to attend, had a common order of attendance served upon them; which plainly shewed, that the House made no specific order to examine lord Cornwallis to the subject matter of the papers, farther than they were obliged to comply with the forms of communication, established on such occasions between both Houses.

Having laid down this, as the basis of his argument, his lordship proceeded to shew the impropriety of examining witnesses to military points. The object of the enquiry, at least the professed one, was to enquire into the conduct of two military commanders of high rank and great reputation. Papers respecting the conduct of another military commander (general Burgoyne) were likewise moved and ordered, and, he thought, very improperly, because that gentleman was at present in a situation which prevented, in his opinion, any enquiry into his conduct; for if censurable, he must be acquitted; nor indeed could he be brought before any military tribunal whatever, till released from the terms imposed upon him by the convention of Saratoga. But to return. The hon. general entrusted with the command in chief in America, moved for, and instituted the enquiry himself; he moved for the attendance of certain witnesses. Without debating the point at present, as to the competency of the House to enquire into military matters, he should only observe, that the evidence must be *ex parte*, and could never be deemed by any rule of reason, common sense, or regular proceeding, sufficiently full and conclusive to acquit the hon. general. It might furnish a good ground for belief or persuasion, but from the nature of the evidence, as well as the manner it would be delivered, no man in that House, or without doors, could lay any other stress or give it an higher degree of credit, than what *ex-parte* evidence was entitled to in the first instance, and what testimony, not delivered upon oath, was entitled to in the second. So that taking the competency of the House, as a

ground of proceeding perfectly applicable to the subject matter of the enquiry, such evidence as that described could not operate to the conviction of any man. If the hon. general should be censured by a vote of that House, it would not change a single opinion entertained by those who at present think favourably of his conduct; should he be, on the contrary, honourably acquitted, every person would retain their former sentiments; taking the event of the enquiry, therefore, either way, he saw no possible good such a proceeding could answer.

For his part, he thought that that House was a very improper place in which to have the conduct of military men enquired into. When occasion made it necessary to examine how far military men had or had not performed their duty, he looked upon a court martial to be the only tribunal where the party accused could procure substantial reparation for his injured honour; and where, in case of failure and neglect, the justice of the nation could be legally or constitutionally satisfied: there and there only, the nation or the injured officer could obtain or regularly seek such legal and substantial justice. If, on the other hand, under the appearance of enquiring into the conduct of military officers, it was intended to bring charges of neglect or incapacity against ministers, it was in his opinion a very unfair mode of proceeding. The hon. general, as far as that House were competent to determine, had justified his conduct by the correspondence on the table. The House were almost unanimous in that respect. If a few individuals entertained different sentiments, those sentiments were precluded by a very great majority, who declared themselves perfectly pleased with his services. But he had no right to presume there were any of that description: because no accusation had been made, not a single charge specified. What, then, were or could be the motives for urging the present enquiry, unless the object was ultimately intended against ministers? But as yet no man had avowed that. If any such intention was in contemplation, he had a right to say, he was ignorant of it, because no one person had declared that he meant to do so. He allowed, that the House was competent to enquire into the conduct of ministers. It had an inquisitorial power; they had a right to enquire into, to censure, but not to punish; so far he was ready to ac-

knowledge; but he trusted their conduct was not to be decided upon by the evidence of military men: he believed it was not, when that evidence was professedly given on military measures, which they neither planned or executed. If, however, any specific accusation was made against ministers, as one of his Majesty's confidential servants, he was ready that instant to have witnesses called to the bar, provided the matter on which the witness was to be examined was previously stated, and was such as directly and specifically pointed to any one particular measure of administration. On the whole, he concluded, that the established order of proceeding of that House, had not been violated; that if even the committee had exceeded their powers, which he was convinced they had not, it was to prevent an inconveniency of much greater mischief; and, that such being his sentiments, in every point of view the question presented itself to him, he must adhere to his former opinion, and of course meet the hon. gentleman's motion with a direct negative.

Mr. *T. Townshend* replied very fully to the noble lord, and said, he was astonished at his total want of memory. Was the noble lord asleep on every occasion in that House, when the most direct and specific accusations were made against the hon. general, and his noble brother the vice admiral? Was his lordship asleep, when the noble lord commanding the squadron in America, was impliedly censured by an hon. friend of his (governor Johnstone) for returning to New York, with an equal force, and thereby permitting D'Estaing to escape from him into Boston? Did the noble lord forget the direct charges, made by the same hon. gentleman against the commander in chief, for going to the southward, instead of favouring another general's operations from Canada? Did the noble lord not hear the very last night, a learned gentleman near him, high in his lordship's confidence, (Mr. Dundas) avow his former sentiments, respecting the general's retreat from the Jerseys, and his going to sea instead of forcing his way to Philadelphia by land? In short, was there hardly a debate of any consequence during the session, in which some direct or implied censure had not been passed on the hon. general or his noble brother? What, then, could the noble lord mean? Was he in earnest when he made such assertions? or did his lordship and the other noble lord near him, the American secre-

tary, intend to shield themselves from the consequences of their own miscarriages and incapacity, under general loose expressions of approbation of the conduct of the hon. general, while they were secretly endeavouring to whisper away his reputation, and to represent him and the other hon. general as the real authors of all our present national distress, and of the loss of America? Were not the runners of administration, their tools and emissaries, in that House and out of it, constantly employed in this dirty, treacherous and insidious occupation? Were not a whole legion of newspaper writers and pamphleteers in constant ministerial pay, in order to effect this base purpose?—For his part there was not a week but some scurrilous pamphlet, composed of a mixture of plausible reasoning, pompous expressions, misrepresentations, and artful invectives against the conduct of the commander in chief, was left at his house. The authors were known, and were known to be under the wing of government; paid and caressed, placed and pensioned by them; one in particular no less distinguished for his spirit of adventure, than his various services, he meant a worthy northern baronet, who occasionally acted in the character of judge, historian, pamphleteer, and recruiting officer. Such were the men, such were the means, employed to blast the character of great and meritorious officers: such were the affected language and insidious arts of administration. They basely endeavoured to effect in private, what they dare not own in public. They heaped commendations in that House on the hon. commander in chief, while they exerted every effort by indirect means, to disrobe him of his honour and reputation out of it; and permitted daily, without contradiction or even pretending to support their own opinions, accusations to be made against him, in the face of the nation.—After putting these several facts in various points of view, and concluding, that the enquiry ought for these reasons to be proceeded upon; he spoke a few words to the point of order, in which he laid it down as a clear, indisputable rule of proceeding in that House, that a committee was always bound by the order of reference made to it; otherwise there would be two contradictory powers and clashing jurisdictions in the same body, a doctrine too absurd and monstrous to be heard with patience. A great part of the business of that House

was transacted by committees, particularly by committees of the whole House; if, therefore, it should be adopted as parliamentary law, that what the House entertained in one instance and referred to a committee, was so far controulable by that committee, as that the latter had an option to disobey the order of reference, all business would be at an end; and as often as circumstances afforded a pretence, the proceedings of that House would be involved in endless confusion and contests. He begged the House would seriously reflect how fatal it might prove, if it did not preserve a proper controul over its several constituent parts. He observed besides, that it would be treating the other House with contempt, to send a message for leave to examine one of its members, to the subject matter of certain papers then before a committee, and for the consent of the member himself, and yet, after both requests were granted, refuse to hear him.

Sir *Grey Cooper* spoke to the question of order. He contended that the order of the House and the sense of the committee, were by no means incompatible with each other, or contradictory: that the committee was still in being, and had reported nothing; that it might report its reasons to the House, why lord Cornwallis could not be examined; and that consequently, either in point of form or substance, the committee had not exceeded its powers.

Earl *Nugent* declared himself in favour of the proceedings of the committee. He never heard, till upon the present occasion and the other night, that a committee was bound literally to obey the order of the House, or to report, if they did not think proper. His memory did not at present help him to any particular instance to support his opinion; but if the Journals were searched, he made no doubt, but a great number of precedents would be found in support of his doctrine. He recurred to his arguments of the preceding debate; said that matters of great consequence were yet to be brought into parliament; that the attention of ministers would be drawn not only from them, by distracting it with such a variety of objects, but that the very being and preservation of the nation, from the hostile attacks of a powerful foreign foe, must be neglected, while the whole time of ministers was spent in that House, upon a fruitless enquiry; which let it terminate as it might, could answer no other purpose, but that of laying the foundation of greater embarrassments, and the giving

a superiority to our enemies, which they were unable to obtain by any other means. He sincerely believed there was not a single person in that House who wished any such thing; nor one who saw the proceeding upon the present enquiry in the light that he did, who would not join with him in a vote for its dissolution. Besides, though the particulars mentioned by an hon. gentleman had been exactly as stated, he never could be persuaded, that the particular feelings of any man or men, for their personal honour, afforded ground sufficient for risking the safety of the state, to the gratification of those feelings, be their rank, character, or public stations ever so respectable. He was always against enquiries, as long as he knew any thing of parliament; he was frequently a witness to their pernicious effects. He was against the late enquiry into the conduct of his hon. friend, admiral Keppel. He was against the enquiry into the conduct of the noble lord, the vice-admiral, and the hon. commander; and so much so, that he would sooner, if the matter came fairly to be weighed, between the interest and honour of the nation and the interests and honour of his old and intimate friend the admiral of the blue, consent to have his feelings hurt, than hazard the most essential interests of this country, in order to have them satisfied.

Mr. *Fox* answered that part of the noble lord's speech, which rested the impropriety of the present enquiry, upon the supposed interruption it would give his Majesty's confidential servants, in planning and executing measures for the good of their country. He believed that the noble lord, and every other person in that House who had the honour or interest of his country at heart, were perfectly convinced, that they had very strong and cogent reasons to lament that the present ministers had ever planned or ever executed. It would have been a most fortunate circumstance for the nation, that the noble lord in the blue ribbon, and the noble American secretary near him, had been in the situation supposed by his hon. friend; that they had been asleep in that House or out of it, the day one or both of them planned this accursed American war; that they had been embarrassed with debates in that House, while they were deliberating upon measures of ruin, folly, and national disgrace. He believed in his conscience, that it would have been happy for their country that they had never been

born.—But surely, the noble lord is not serious in the motives he has assigned for putting a stop to the present enquiry? Does his lordship pretend to believe or foretel, should the present enquiry go on, that ministers will be less indolent, less incapable, or regardless of the public concerns? His lordship is better informed; experience has long since convinced him of the contrary. He secretly smiles, when he talks in this strain. The reasoning built on such a supposition, is indeed highly laughable, and can make no impression on those who hear the noble lord rise in that House and gravely urge such an argument, but sentiments of mirth and good humour; for instead of being in town, when effective measures, directed to vigorous exertions, and a proper employment of our national strength and resources, ought steadily to engage their attention, the two noble lords and the rest of their brethren in the cabinet will fly from the fatigues of this office; they will be amusing themselves at their country-seats, for weeks, perhaps months together; and the great business of the nation will be left to the care of a few clerks in office; or if they should in their respective retreats turn their attention at all to public affairs, it will be only to devise means, not for the defeat of their enemies, but to defeat enquiries into their blunders, incapacity and neglect in parliament. The last summer in particular, when the very fate of this country was at stake, when we were threatened with an invasion, he was well informed, that for weeks together, there was not a single cabinet minister so near town as 50 miles; but if they had been nearer, was it not preposterous to suppose that persons who were to consult, deliberate, and determine by common consent only, could consult, deliberate, and advise their sovereign, when they were thus separate? If any man could suppose, that any good could proceed from such counsels, he pitied him, if he was sincere; if not he would forbear to give his opinion of the principles of such a man.

He then stated the necessity there was for going into an enquiry. The noble lord in the blue ribbon had repeatedly staked himself to that House on the issue of the American war. He had called for a large fleet and numerous army; they were granted; but America was lost, 25,000 lives had been thrown away, and upwards of 30 millions had been expended. But to come directly to a later period, the

noble lord at the head of the American department, when he came into office, had specially pledged himself to that House, not merely to a general promise of success, but afterwards, in different stages of the business, pointed out the means. Such an army under sir W. Howe; such an army under general Burgoyne, from Canada, to co-operate with the grand; the people in the colonies were loyally disposed; Washington could not recruit; he had offered 30*l.* a man, but could procure none to enlist, even upon such exorbitant terms. Sir Guy Carleton would have a force under his command sufficient to protect and defend the province of Quebec; and afterwards the expedition down the North River would consist of a chosen corps of veterans of 12,000 effective men; besides the great advantages which would be derived from the assistance and friendship of the Indians in the neighbourhood of his intended route. When questioned upon the great line of public measures, (having declared his intention to breathe a different spirit into those which prevailed when he was called into his Majesty's councils) what force he meant to employ? his answer was, "Whatever force the general thinks may be adequate." After the first campaign, when asked what appearances of success there were? his lordship answered, "every appearance of a successful and decisive campaign." Now, if neither the force was adequate, and his lordship knew that he could not expect a successful campaign, it will follow, that he not only deceived the general, and concealed his sentiments, but by so doing, he acted a most criminal part, and is responsible to the House and the nation, for all the blood and treasure we have thrown away. What is one of the objects of this enquiry? To hear the evidence of men on the spot, in high command; to shew in the first instance that the general was not culpable, because his force was not adequate, and that the noble lord deceived the House, because when he told them that he had every prospect of a successful campaign, he had a letter in his pocket from the general, telling him, "that no successful campaign, nor an end to the war, could be expected, unless the noble lord sent out a very considerable reinforcement to his assistance," which reinforcement, at the time he promised a successful and decisive campaign, he was pre-determined not to send. The evidence contained in the papers went directly to those facts.

The noble lord's correspondence shewed, that he entertained opinions diametrically opposite to those stated in the general's letter. How, then, was it possible to come at the truth without examining those who were in high command, and were present on the spot? The testimony of lord Cornwallis was necessary to prove the truth or fallacy of those contradictory assertions. He could describe the country, the obstructions and difficulties the commander in chief had to contend with. In fact, he and his brother officers, so far as their testimony applied to the force requisite to insure a successful campaign, were competent, and the only proper evidence to determine the opinion of the House on the measures of ministers, and the means they furnished for carrying them into execution, and of the possibility or impossibility of executing them.

General *Burgoyne* entered into a detail of the inquisitorial powers vested in that House. The noble lord in the blue ribbon had acknowledged, that the House was competent to enquire into certain points, and for certain purposes; that it had a right to enquire into the conduct of ministers, but not of military men; of measures of state, but not of their execution. This acknowledgment, in his apprehension, amounted to just nothing; for if the end of the enquiry presented a complex object, respecting measures of state and measures of execution, either of which it was impossible to judge of, but through the medium of the other; then the conclusion was demonstrably clear, that the conduct of ministers could not be decided upon, without knowing how far their military plans had been well or ill executed; nor, *vice versa*, could those plans be judged of, without being first informed how far their plans had or had not been practicable. This was the light the matter struck him in, nor did he see how it was possible to avoid the alternative; consequently, the noble lord's argument, taken as relative to one great transaction, was a substantial negative upon the whole of any further proceeding in an enquiry into the conduct of ministers and generals; and his acknowledgment of an inherent inquisitorial power being vested in that House, amounted to the acknowledgment of a power which was never to be exercised; or if exercised, could not be directed to any substantial purpose; because, if the House had no right to call for the necessary proofs, on which only it could determine,

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it was the same as saying, that it should not determine.

The other noble lord (Nugent) had been more fair and open; his lordship denied that any such inherent power existed; he avowed directly that the House had no right to enquire into military matters, to effect a civil purpose, or any purpose; and pushed his argument still farther upon the principle thus avowed; for when by referring to former enquiries; he seemed to allow that they were founded in precedents; he drew an argument from the implied fact, against the propriety of exercising such a power. His lordship said, he never knew any benefit derived from enquiries, as long as he had sat in parliament; they might be productive of great mischief, they could be productive of no good.

The question, so far as those arguments applied to parliamentary enquiries, was thus: has such an inquisitorial power existed coeval with the constitution? To prove that such a power was vested in the House, he begged leave to state to the committee a few instances in support of his doctrine from the Journals of that House. He should not go into remote periods of our history, to shew that his doctrine was well-founded. He believed, there had not been a single parliament, since the reign of Elizabeth, in which some such power as that now contended for by him, had not been exercised in some shape or other. It was frequently exercised during the reigns of the Stuarts, particularly in that of Charles the 2nd. The pensioned parliament of that prince had, in 1667, enquired into the miscarriage of the Dutch war, the burning of our fleet at Chatham, and the cause why the victory obtained by the duke of York, afterwards James the 2nd, was not more complete and decisive. Early in king William's reign, before that prince was seated firmly on the throne, an address to the crown was presented, in order to enquire into the causes of the defeat of the English fleet under lord Torrington, at Beachy-head. In a few years after, an enquiry was set on foot, relative to the conduct of the war in Ireland. Even after the glorious victory gained at La Hogue, by which the marine power of France was broken, an enquiry was ordered to made into the behaviour of some of the officers in that action. In queen Anne's reign, the affair at Malaga and the conduct of the war in Spain, were made the subjects of enquiry. The same spirit prevailed in

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that House, relative to the miscarriage in the Mediterranean, in 1748, under the command of Mathews and Lestock; and such was the exercise of the inquisitorial powers of that House, in relation to the conduct of the late admiral Byng. Every one of these were military enquiries, properly so called; and were likewise applicable to the conduct of ministers.

If, then, the inquisitorial power of that House was undeniably proved by the precedents referred to, no doubt whatever could arise, but two: first, whether it was proper to exercise it in the present instance? secondly, whether it was proper to use it in any instance? The noble lord in the blue ribbon was of opinion, that it was not, so far as it respected military points; the other noble lord was of opinion that no enquiry should be had in that House, which was at all relative or connected with military matters. Having proved that the House had the power contended for, he observed that there was only one question more to be decided, and that was the question before the House. Has this been an improper power, improperly exercised? and as such, shall we from this day forward divest ourselves of it? If it should be the opinion of the House that it was, all argument was at an end; or is there any circumstance moved in the present enquiry, which may take it out of the general rule, and make it an exception? He believed, except the noble lord (Nugent) there was not a person in the House who would contend for the first; and as to the second, he had not heard a single argument, to shew that a suspension of this inquisitorial power ought to be adopted on the present occasion.

Here he begged leave to enter into an examination of the cause and object of the present enquiry, so far as it affected himself, or might affect the noble lord at the American department. That noble lord had planned an expedition from Canada, in order to favour and co-operate with the grand army under sir W. Howe. The execution of that plan fell to his share. Being called upon for a plan, he delivered one to the noble lord. His lordship, after considering it for some time, returned it; and struck out the discretionary power he reserved, to act as times and circumstances might require. The force proposed by him was considerably reduced when he received his plan; and, reduced as it was, he never had above two-thirds of the force promised by the

noble lord, under his command, and the discretionary power being struck out of it, the instructions were peremptory to make his way to Albany. Under this plan he acted, because he thought it was his duty to obey, and proceeded to carry it into execution. The consequence of which was, after encountering a great number of difficulties, arising from his force being inadequate, he was at last compelled to surrender to the enemy at Saratoga. How then did the matter rest between him and the noble lord? The noble lord contends, that he did not act under peremptory orders; that his force was adequate to the service he was to perform; and that consequently the miscarriage lay at his door. This was a fair state of the question, he believed, and was a very proper matter for the House to determine upon.

If the present committee was dissolved, is it not plain, that ministers shrink from the enquiry? The only pretence or colour they urge is, the commander in chief's (sir W. Howe) conduct cannot be the subject of any enquiry in this House, because there is no accusation made against him; though the House was competent to enquire, his own conduct cannot be enquired into, because he cannot be tried till released from his military engagements to the rebel congress; and when he shall be freed from that engagement, a military tribunal, not that House, will be the proper place to have his conduct enquired into; for if he should be found blameable, it is only a court-martial that can pass any censure or inflict any punishment upon him.

He denied every one of the premises. The commander in chief, as well as himself, had been accused both within and without that House. He had been most unjustly and cruelly accused by a learned gentleman (Mr. Dundas) the last night the committee sat. The noble lord in the blue ribbon said, the only purpose the committee could sit for, would be to hear accusations against ministers; none had been made, consequently the committee, for the reasons assigned before, could sit to no purpose. He denied it: ministers, if they refused to proceed, were accused.

He was accused by the learned gentleman with the loss of an army; he demanded justice; and, he trusted, would obtain it from that House and his country. He was criminated in the face of the nation; and he demanded and intreated the

justice of the House, that, thus publicly accused, he might be permitted to exculpate himself. If the noble lord, or ministers in general, called for specific charges against themselves, they would find them coupled with the justification of his conduct. He was entrusted with the execution of a measure; he failed in the execution. His justification was, that the force was inadequate to what was necessary. The blame, as it had been often repeated in that House, must lie somewhere. If he proved that he acted under peremptory orders, and that he had done every thing to execute them in his power; that the plan was impracticable in itself, for want of the co-operation of the commander in chief, which was understood to form a part of it; or if practicable, that the force was inadequate; it would then rest with the noble lord at the head of the American department, and those who by their counsels gave birth to the measure, to exculpate themselves. These considerations contained every thing necessary to justify an enquiry, and if ministers shrunk from it, the deduction was equal to the evidence arising from mathematical demonstration, that they were conscious of their own guilt or incapacity. He wished, therefore, to impress this important consideration on the House, that he was earnestly desirous of having an opportunity to justify himself, which if he should be so happy as to do, it would involve in it ground sufficient to enquire into the motives of their conduct. He did not, however, stand forth as an accuser; he wished to prove his own innocence; let ministers then look forward to the inference, and see how far it behoved them to account to that House and the public, for the loss of the northern army.

Lord G. Germain denied that he had ever accused the hon. general with the failure of the expedition; but since the hon. gentleman had provoked an enquiry, he had no manner of objection; and hoped to be able to prove the contrary of what had been asserted, to the satisfaction of that House and the public, he meant, when the hon. gentleman should be amenable to a military tribunal. An hon. gentleman who spoke lately with great energy, and with his usual ability (Mr. Fox) said, that he had withdrawn his confidence from the commander in chief, long before his resignation, that he should say in that House, that the force sent to America would be adequate to the service, and that he had

deceived that House by promising a successful issue to the ensuing campaign. He always spoke with great caution when he rose; he often declined to speak, but was strongly urged by his feelings, when he did rise: there were some situations in which it would be neither wise nor prudent to remain silent. Such he looked upon the present moment to be. He did not merely rise to answer the hon. gentleman's speech, the facts he should particularly speak to having been urged in the narrative of the commander in chief, the first day the committee met. He trusted, that, without offence, he might answer such of them as particularly related to himself. Whatever he said in parliament, respecting his hopes of success, he was well warranted to say by the hon. commander's own letters, copies of which were on the table. He had given him the strongest hopes of success, previous to the surprize of the cantonment at Trenton. It was true, that after the affair at White Plains, when the rebel army was all one as annihilated, he demanded a large reinforcement, 15 or 20,000 men; but for his part, against an enemy flying on every side, scarcely a battalion in any one body, and at the head of a victorious well-disciplined army, combined with the information of persons well informed on the spot, and on his own judgment, he thought then, and now, that such a requisition on the part of the commander in chief ought not to be complied with; and to shew that his opinion was not peculiar to him and the rest of his Majesty's servants, it was well known, that at the very period alluded to, such was the low, desperate state of the rebels, that they secretly sent a deputation of three persons to the general, to inform him that they had consulted the congress on the occasion, who had consented to permit them to receive the King's troops into Philadelphia. This circumstance was, he begged leave to say, a very strong one in support of his opinion, for if the general in the tide of success, which run so strongly in his favour, had followed his advantages properly up, by crossing the Delaware, and had possessed himself of the province of Pennsylvania, which at that time would have been the consequence of the possession of Philadelphia, he thought both now and then, that he was well warranted in assuring that House, that we had a fair prospect of a successful campaign, and of the happy termination of the war in the course of it. But all our

hopes were blasted by that unhappy affair at Trenton; and that event began in the first instance, what the surrender at Saratoga fatally completed in the last.

At the commencement of the campaign alluded to, that of 1777, it was impossible to send the reinforcement desired. The time was too short. But supposing that the force was inadequate to effect the purposes of putting an end to the rebellion in one campaign, it was not inadequate to every purpose; at least ministers had a right to think and say so. After marching up to Washington's entrenchments, and abandoning every measure for compelling him to leave that strong position; a month was lost by that unsuccessful attempt, and returning to New-York. The next step taken by the general was to proceed to sea, where he continued another month; and instead of going up the Delaware, and landing at Wilmington or Newcastle in the Delaware, another month was lost; so that when the operations of the campaign were commenced, it was almost time to think of going into winter quarters. Indeed, the event proved it; for with a series of successes it was too late in the season to continue operations of any real consequence in the field; and there was nothing he had more at heart, or more warmly urged and pressed on the commander in chief, than that of commencing his operations as early as possible. In fact, he could easily allow for accidents in war; the surprise of the post at Trenton came within that description; the return from the White Plains might be justified from the difficulty of carrying on military operations in an hostile and uninhabited country; but as to the southern expedition, so far as it related to the two delays alluded to, he confessed he did not at the time, nor did he to this minute understand it. It must have been that circumstance alone the hon. gentleman (Mr. Fox) alluded to, when he said he had withdrawn his confidence from the commander in chief; for it was the only one on which he had been silent. He took no notice, he expressed no approbation of the measure, because he neither at the time, nor to the moment he was speaking, could even guess at the motives which had induced him to undertake the southern expedition in the manner now described. Nay, when asked where the general was, or what he was doing, he said, he knew no more of either than any person in the street. He hoped the hon. general would not be surprised at the ex-

pression, when by the papers on the table it appeared that he had not received a single line from him for two months and six days, from August the 22d till October the 28th. When the hon. general first proposed the expedition to the southward (8th of May, 1777,) it was true he talked of landing in the Delaware; but by the last dispatch, he declared his intention of debarking in the Chesapeak, (16th of July) which he said he preferred to that of the Delaware. He would therefore submit it to the candid judgment of the House, whether receiving a letter dated in the middle of July, of an intended operation which within every common rule of probability, must have taken place at least in the first instance, within a very few days, he had not a right to be astonished at a silence of two months.

If the hon. gentleman (Mr. Fox) wanted to know why he had withdrawn what he called his confidence from the commander in chief, he informed the hon. gentleman, that that was the reason; though he did not withdraw it in any other manner, than forbearing to applaud a measure which he could not approve, because he did not understand it. He did not mean to pre-judge the hon. commander. He made no doubt but he acted very properly; but in justification of himself, he thought it was incumbent upon him, to explain why he withheld his approbation (not his confidence) of a measure, which till he heard it accounted for, he was utterly at a loss to reconcile.

He said that he saw no good reason for proceeding farther in the present enquiry; he approved of every other part of the hon. commander's conduct. He might have his reasons, and very good ones, for acting in the manner he did. The House seemed to be satisfied with his conduct throughout; and he cheerfully acquiesced in the opinion. If it had not, he thought that this House was not the proper tribunal to enquire into and decide upon such matters. The other hon. general had accused him; he was ready to meet the charge, and defend himself. He did not accuse the hon. general; but whenever he was in a proper situation to make a charge, and to submit his military conduct to any tribunal, he pledged himself that he would not shrink from an enquiry into his own conduct. It was a duty due to that House and the nation, to give every possible satisfaction, in order to know to whom the loss of the northern army was imputable,

It was a subject of the very first importance; but the period was not arrived, nor would, till the hon. gentleman should be released from the obligations imposed upon him by the convention agreed to with the rebel general at Saratoga.—Of course, as no charge had been made against the commander in chief and the noble lord the vice-admiral; and as the hon. general, who commanded the northern expedition, was amenable to no judicature, parliamentary, civil, or military, in this country, he should give his dissent against resuming the enquiry.

Sir *William Howe*, after referring to some letters on the table, in which he had acquainted the noble lord in the beginning, that a greater force would be necessary to carry on operations, leading to any thing like a decisive campaign; and in the further progress lamenting that it was so inadequate to what he had a right to expect at an earlier period, being disappointed even in the inadequate reinforcements promised by the noble lord; answered the fact respecting the pretended invitation from the inhabitants of Philadelphia, which he said, had been fabricated by himself, in order to deceive the enemy. He forged the invitation, and sent a person with it, that the contents might fall into the hands of the rebels, in order to deceive general Washington, and alarm him for his own safety, on account of traitors within, and a powerful enemy from without.

Lord *North* said, he never denied that an inquisitorial power was vested in the House; he was fully persuaded of the contrary: what he contended for, was, that such a power was never exercised upon any occasion, but when a jealousy arose in parliament that the executive was remiss in its duty, and suppressed enquiry in order to screen great state criminals; then and then only, it was, that parliament interposed between the executive and the nation, in order to bring persons so favoured or screened to public justice. No one had stated such a ground for the present enquiry; till it was stated and proved, all arguments for the exercise of a power, not called for upon that account, was in his opinion contending directly for the absolute exercise of a conditional right, not disputed nor denied in any instance, in which it was accompanied with that condition, that of a willingness and desire not to call favourite officers to account for their military conduct.

Mr. *Rigby* now arose, and spoke first to the point of order. He said it was not only competent to a committee of the whole House to refuse to proceed upon an order of reference, but to the lowest committee up stairs, upon road, navigation, and enclosing bills. Every day's experience proved it; for nothing was more usual than for committees to be appointed to enquire into facts stated in petitions, and to report, and those committees dissolving themselves, and never taking any notice of the matters so referred, and that even without stating a single reason.

He then proceeded to answer general Burgoyne, on the subject of his complaints against the noble lord at the head of the American department. He said that he was against any enquiry into the hon. general's conduct in his absence; but thinking that a fault must have happened somewhere, pledged himself, whenever that gentleman returned to England, that he would probe the matter to the bottom, or endeavour to do it as far as lay in his power. He was of the same opinion still; but when he found, that all enquiry so far as it related to the hon. general, and of course to every other person concerned in the disgraceful convention of Saratoga was suspended, till the commander was released from his engagement to the rebel Congress; he saw at once the utter impossibility of proceeding further in that business; a convention in its nature, manner and consequences, more pernicious, dishonourable, and destructive, than this country ever before experienced. The hon. general had complained of the personal cruelty shewn him in that House, and lamented the fate of the gallant army under his command. As to the first, he could not see any cruelty whatever that had been shewn him. Had not he lost one of the best disciplined and appointed armies that was ever sent from this country? Had not he, by his rashness and imprudence, led them into insurmountable difficulties? Had not he been the occasion of inflicting a greater punishment on the British soldiery, than any other which could have possibly befallen them? Had not he led them into the terms of ignominious captivity, by ordering them to pile up their arms in the face of a despicable enemy, an undisciplined militia: a militia composed of the worst of all enemies, a rebel militia armed against their sovereign and the constitutional rights of this country? The hon. general pretended to lament the fate

of the unhappy sharers of his misfortunes, of which he himself had been the cause; but what proofs could he adduce, unless mere words might pass for proofs, that his feelings were correspondent to his professions? Had not he left them to their fate, to the resentment of a perfidious and implacable enemy? Why did not he, like a man and a soldier, share their misfortunes and their fate? While they were confined, insulted, and suffering under every species of indignity and mortification, was not he enjoying himself in all the amusements and pleasures of the first metropolis on the globe? or conscious of present impunity, was not he, day after day, by factious efforts, and unfair and false misrepresentations, endeavouring to elog the wheels of government, and thereby attempting to throw that blame upon ministers, which solely originated with himself? He added, if the hon. general was permitted to be heard in his defence, before he was in a situation to be punished, it would amount to this; that however criminal he might appear, no one step could be taken against him, unless at the pleasure of the rebel Congress, while ministers would, if found incapable or neglectful, be liable to instant censure.

After having gone largely into these circumstances, he said, it was with infinite reluctance, he found himself obliged to differ from the noble lord in the blue ribbon and the other noble lord at the head of the American department. He was present the other night when the question was carried against calling in lord Cornwallis. He neither spoke nor voted, because no accusation had been made against the commander in chief: not but he thought the proceeding a very extraordinary one to move for a committee to order papers to be referred to it; to order witnesses to attend; to apply to the other House for the attendance of one of its members to be examined expressly to the subject matter of those papers, and yet afterwards refuse to hear him. He had nevertheless his doubts in what manner to conduct himself; and for that reason went away without voting; but now they had all vanished, as soon as he heard the noble lord, the American secretary, rise in his place, and make a specific and direct accusation against the commander in chief; and avowing openly, that he had withdrawn his confidence, and withheld his approbation, on account of those specific charges, his operations to the southward;

the carrying them by Chesapeake, and his not corresponding with him, for two months and six days. After such a charge, so made, in such an assembly, in the face of the nation, it would indeed be cruelty and the last species of injustice, not to hear the hon. general in his defence; for which reason, he should vote that lord Cornwallis be called in.

General *Burgoyne* replied warmly to Mr. Rigby's insinuations of deserting his army in their captivity. He was here for the purpose of vindicating their behaviour and his own honour, both which had been scandalously aspersed. To see himself disgraced without a hearing, the most abominable falsehoods circulated against him, denied a share in the defence of his country, though no circumstance of his situation prevented him that honour; these were the luxuries he enjoyed; and if there was a man who thought them enviable, who thought that they did not give thorns to the pillow and bitterness to the cup, he had more philosophy or less sentiment than had been allotted to himself. He concluded with insisting, that the hon. gentleman, after such a speech, was bound in honour to continue his support to the enquiry.

Lord *North* rose, he said, to defend his former opinion; but the House would not hear him, though he rose five or six times; and his lordship was at length obliged to sit down. The question being put upon colonel *Barre's* motion, it was carried almost unanimously, without a division.

May 6. The House went again into the Committee this day, and also on the 11th. The whole of the Examinations that took place would be too voluminous for insertion: we shall therefore present the reader with the substance of what came out upon the Enquiry. The officers who were examined were the following, who were also called in the order that we state them: viz. earl Cornwallis, major general Grey, sir Andrew Snape Hammond, major Montresor, chief engineer, and sir George Osborne, a member of the House. Their testimony, taken together, went to the establishment of the following points of fact, or of opinion:—That the force sent to America was at no time equal to the subjugation of the country.—That this proceeded, in a great measure, from the general enmity and hostility of the people, who were almost unanimous in their aversion to the government of Great Britain;

and also from the nature of the country, which was the most difficult and impracticable, with respect to military operations, that could possibly be conceived—That these circumstances of country and people rendered the services of reconnoitring, of obtaining intelligence, of acquiring any previous knowledge that could be depended on of the state of the roads, and the nature of the ground which they were to traverse, along with the essential object of procuring provisions and forage, exceedingly difficult, and in some respects impracticable—That this latter circumstance rendered it impossible for the army to carry on its operations at any distance from the fleet; at least, without the full possession, on both its sides, of some navigable river; and that its operations were much retarded, and frequently endangered, by being generally constrained, through the circumstances of roads and country, to march only in a single column.

It also went to the establishment of the following particular points, in direct contradiction to several charges which had been made against the conduct of the commander in chief, viz. That the rebel lines and redoubts at Brooklyn, in Long Island, on the 27th of August 1776, were in such a state of strength and defence, that any immediate attack upon them, without waiting to make proper approaches, and without the artillery, scaling ladders, axes, and other articles necessary to the service, would have been scarcely less than an act of desperate rashness—That lord Cornwallis's halting at Brunswick, when in pursuit of the enemy, in the same year, was necessary, as well with respect to the condition of the troops in point of fatigue and provision, as to their number, and the posts which it was first necessary to occupy, in order to preserve their communication; and that his passing the Delaware, and advancing to Philadelphia, when he afterwards arrived at Trenton, was utterly impracticable, from the total want of boats, and of all other means for that purpose—That the going by sea to Philadelphia was the most eligible, if not the only method, which could have been adopted for the reduction of Pennsylvania, and that the Chesapeak was a more eligible passage than the Delaware—That, from the strength of the highlands, and other circumstances, the attempt of going up the North River towards Albany, while Washington was at hand with a strong

army, to profit of all the advantages which it must afford, would have been difficult, dangerous, and probably found impracticable in the event.—And that the drawing of general Washington and his army near 300 miles from the North River to the defence of Pennsylvania, was the most effectual diversion that could have been made in favour of the northern army; and at the same time held out the greatest probability that the desire of protecting Philadelphia would have induced him to hazard a general action; an event so long and so ardently coveted, as the only means which could tend to bring the war to a speedy conclusion, and which every other measure had been found incapable of producing.

May 13. Mr. *De Grey* begged, before the House went into the Committee on the American war, to submit a proposition for calling to the bar persons to be examined to several points which had been spoken to by witnesses called upon to give evidence by the honourable commander in chief. He therefore would move for the attendance of general Robertson.

Mr. *Burke* condemned this mode of proceeding as irregular and unfair; remarked that there were several precedent stages of the business in which such a proposition would have come with great propriety, if it had been accompanied with a fair, honest avowal, of the intention of proving the misconduct of the hon. general; but while ministers affected in the most warm terms to applaud his military conduct, they were now, by a side wind, in a late stage of the examination, preparing to defeat and invalidate evidence which they asserted they believed.

Mr. *Dundas* said, this was the most extraordinary language he ever heard, considering the hon. gentleman from whom it came. The hon. commander moves for an enquiry into his conduct, and produces evidence at the bar in his own justification. Ministers oppose the enquiry in the beginning; but very properly acquiesce in the sentiments of the House, contrary to their own judgment. This *ex parte* evidence is received; and now, when ministers wish to have full and impartial information, an hon. gentleman, who all along professed the most earnest desire for full and impartial information, is the very person who sets his face against it.

Mr. *Burke* said, he had for some time

past always attended to what fell from the learned gentleman with great pleasure; because it had the same effect upon him, as if in a camp, he heard the report of a gun fired, it would call him to his quarters, and warn him of the approach of the enemy. Ministers were obliged to the learned gentleman, who, particularly when another learned gentleman was absent (the Attorney General) answered the end of a courier, and announced the real intentions of his friends in high office. The gun was fired, the courier was arrived; the mask was drawn aside; and the learned gentleman had in part revealed intentions that would, a few days since, have been disavowed in the most open and direct terms. He thought that this was fair and honourable war, if the mode of making it had been earlier adopted. But what was the truth of the transaction? Witnesses had been summoned to attend before the Easter recess; the committee had already sat three weeks, and now, in almost the very last stage of the business, so far as the commander in chief was concerned, without previous notice or communication, ministers for the first time give an intimation of calling other witnesses, in order to disprove the evidence delivered at the bar.

Mr. *Welbore Ellis* could not help expressing his astonishment at the inconsistent conduct of the hon. gentleman. A very few days only had intervened since the hon. gentleman was loud in his demands: "Give us," said he, "a general enquiry; let evidence of every kind, and given in any manner, be received. Let ministers and their friends exert themselves, it is a duty they owe to themselves and the nation. They oppose the present enquiry, because it will proceed on evidence *ex parte*, but that can be only a pretence; if the evidence be *ex parte*, that will be their fault, who under that pretence wish to evade the enquiry. Will not they be at liberty to call what witnesses they may think necessary for their own justification, &c.?" This was the prevalent language which came from the opposite benches, hitherto; yet monstrous as it was to conceive or believe, on the fixed appearance of a desire in ministers to vindicate their conduct, the very same hon. gentleman who was so strong an advocate for the propriety of admitting every species of evidence which is likely to lead to truth and justice, is the very first to complain.

Mr. *Burke* replied, that the hon. gentleman misunderstood, he would not say misrepresented him; because, he knew his candour and correctness in debate too well to impute to him any such intention. He agreed entirely in the principle laid down by the right hon. gentleman, that enquiries, if they were instituted for any good or honest purpose, ought to be free, general, and impartial; but it was not the principle he found fault with, but the manner in which it was pursued. Why not summon witnesses in some precedent stage, and not now, as it were at the very tail of the business, take the hon. commander by surprise? Why not give notice before the recess? Why not after the examination of lord Cornwallis and of general Gray? And lastly, why not after the evidence given by sir Andrew Hammond, and major Montresor? No: ministers, conscious of their incapacity and criminal neglect in conducting the American war, endeavoured to stifle all enquiry; but when they found, complacent as that House was, and prompt as it had often been in its obedience to the mandate of the possessors of power, that there were some requests which bore the marks of guilt and insolence on the very face of them, they instantly changed their plan. We fight best, said they, after a defeat. We have given repeated assurances to the general, that we think his conduct highly meritorious. We led him to believe, that no step would be taken on our part; and under that idea we know his evidence is nearly closed, and we will now call witnesses to the bar, to controvert every syllable that has been said there.

Sir *Richard Sutton* observed, that the enquiry had taken a very different turn since the arguments alluded to by the hon. gentleman came from that side of the House. It was absurd to talk of witnesses, when no enquiry was intended, but what might be gone into upon the correspondence on the table. The sense of the House, however, had totally changed the nature of the business. Witnesses had been examined to matters of fact and opinion, to military manœuvres, to the propriety of plans, and the execution of them. Ministers were therefore in a very different situation; yet the hon. gentleman's argument, if it meant any thing more than mere amusement and pleasantry, amounted to this: ministers were for receiving no parole evidence; but the House have determined to receive parole

evidence; consequently ministers have no right to examine witnesses in order to justify themselves against accusations, either implied, or directly made. It was sufficient to state such arguments and conclusions, in order to shew their absurdity. Were they permitted to pass current in that House, they would operate to the utter subversion of every principle of justice and every dictate of common sense.

Mr. Fox expressed his surprise, that his hon. friend near him, could waste a single moment upon a matter, which, to say the worst of it, could only be considered as a mere informality in the mode of proceeding. Let the enquiry, in God's name, proceed. Let the most ample information be received from every quarter, and through every channel. Let every man of every description, who was in a situation either in America or Europe, which gave him an opportunity of knowing any thing relative to the subject matter of the papers on the table, be called upon to give his testimony at that bar. If he knows a fact, let him relate it; if he has an opinion, let him give it. What shape does the whole subject, taken in a fair and impartial view, present itself in? We have lost America. We have lost 25,000 men. We have spent upwards of 30 millions by this accursed American war. Who has been the cause of its miscarriage? Is not that the question? Who led us into this war? Ministers. What were our motives for entering into and prosecuting it hitherto? The repeated assurances of ministers, that the war was practicable; that the means for insuring success were adequate; that the issue would be correspondent.

When called upon, what do ministers urge in their justification? The war was practicable; the means you gave us were adequate to the attainment of the given object? The war, had the plans been as well executed as they were wisely conceived, would, nay must, have been crowned with success. We have kept our faith with parliament, so far as it depended upon our own exertions; and if the war miscarried, it has not been our fault. Still more; what was the conduct of the noble lord at the head of the American department, the last day this business was agitated in this House? Did not the noble lord, instead of defending his own conduct, accuse the commander in chief with special acts of misconduct and neglect? Did not he charge him with wasting his

time to no purpose in the Jerseys, and with going round by Chesapeak instead of going up the Delaware; and conclude that from the delay occasioned by these measures, the advantages which might be derived from the campaign of 1777 were lost, and our victories rendered of no avail; in short, that we commenced the campaign in Pennsylvania, when we should have been thinking almost of providing winter quarters? What, on the other hand, has been the answer of the hon. commander? I could not have proceeded up the Delaware. I was compelled to go by Chesapeak. I could not have forced the enemy at Quibble Town, without suffering a great and a certain loss, and running infinite hazard. Why so? Because my force was inadequate. I told the noble lord frequently, that it was inadequate, and for that reason, that no decisive campaign could be expected.

What is the language of the noble lord? You say you want a reinforcement of 15 or 20,000 men; but I know you must be mistaken: you want no such force. I have better information than you. You can recruit your army in Pennsylvania. You might have sent a stronger detachment to the Highlands, or have carried on your operations by the North River. You lost a month from your retreat from Quibble Town, till you embarked at Staten Island; and you lost another month by your going by sea, or at least going round by Chesapeak, instead of debarking at Newcastle or higher up the Delaware.

What, then, is the object of the present motion? to bring witnesses to your bar; and for what purpose? to prove that the noble lord, the American secretary, was right—to prove that the hon. commander and the noble lord the admiral were mistaken. The motion is therefore, in my opinion, extremely proper for several reasons. It will amount to a fair issue, and the examination of the witnesses intended to be moved for, will form one part of the evidence. I must confess that, till the noble secretary stood forth, our proceedings bore rather an awkward appearance. It was a committee moved for by two respectable members of this House, concerning their military conduct in high situations of command; they called and examined several witnesses to several material parts of their conduct. But still something was wanting. Ministers gave high testimonies in their favour. No man accused the noble admiral and honourable

general; or if there was any thing which could be fairly interpreted into an accusation, the fact or facts were not specified. It amounted to no more than loose desultory conversations. The noble secretary hitherto remained silent. His lordship, however, at length adopted a much more manly part; when he found that the House had determined to proceed, he boldly stood forth as an accuser in the manner I have just been describing. One thing more only remained to be done, that was an avowal on his part, of his intention to prove as well as accuse. His hon. friend has, with his permission, taken the first introductory step in this business; he has moved for the attendance of general Robertson, for the purpose of examining him touching military matters; adding that he means to move for the attendance of several others in the military and civil line. I like this for my part, because it looks as if the noble lord was in earnest; that he was determined to throw himself upon the opinion of the House, and not trust to a corrupt majority (were it in his lordship's power to obtain one) in his favour, and to screen himself by means so dishonourable and disgraceful.

We ought not to prejudice the noble lord, the hon. commander, the noble admiral, nor administration. We cannot without manifest injustice, without betraying the honour of parliament, and sacrificing the dearest interests of this country, judge till we hear all parties; nor then unless we resolve with one intention, to judge without prejudice or partiality.

As matters now stand, it will in matter of form be necessary to allow, that the claims of this country over the colonies were well founded; that the measure of coercion was a wise one; that it was practicable in the execution, and that the means were adequate. I know, however, that America is lost, and the nation apparently at the eve of destruction, but as to the cause of our disasters, I shall suspend all opinion till I hear the evidence on both sides; then and then only will it be competent for me to decide, and draw a fair line between accusation and recrimination.

Lord George Germain said, he disclaimed the idea of being an accuser; he had been attacked in that House, and without doors, as the cause of the miscarriage of the American war; and when he stated facts in argument, when he called witnesses to those facts, and reasoned upon

them, he was only defending himself, not accusing any man. He formed opinions upon what he deemed good information; he was not yet convinced that his information was unfounded. If witnesses were called to authenticate that information, it was only in his own justification. He never thought the House competent to judge of military matters, nor ever would. He submitted however, to the sense of the House, because he was persuaded they acted properly, and it was his duty to acquiesce: but when *ex parte* evidence was received, he was free to maintain, that the mode of defence ought to be adequate to the mode of attack; in that, and that sense only, he wished that military men might be examined. His lordship said, that the main object of his desire, that witnesses should be called, was to rescue the loyal and meritorious sufferers in America from the general censure, or implied censure, passed upon them by one of the witnesses at the bar (general Gray) who affirmed, that America was "almost unanimous" in their resistance against the claims of this country. This was a language he would never hear without endeavouring to prove how ill-founded it was. This was the motive for wishing that other witnesses might be called. He was conscious of the purity of his own intentions; he had nothing to charge himself with. The papers on the table would afford the best proofs how far he had acted right or wrong; and he was willing to trust the event of the enquiry, so far as it might be supposed to affect him, to those papers. But when he heard the suffering, the loyal, brave, and spirited inhabitants of America, condemned in the lump, under the description of being inimical to the constitutional claims of this country, it was but an act of common justice to endeavour, by every proper means, to set that matter in a true light. Men who had been banished and proscribed; men who had so repeatedly bled; men who had relinquished every thing dear and valuable, their country, families, friends and relations; who had abandoned their property, and chosen exile and poverty, in defence and maintenance of the legislative and constitutional rights of Great Britain; to hear such men so unjustly calumniated, was a language he could never endure. Before he sat down, he said, that the part of the evidence he meant to controvert was matter of opinion only, which had been delivered at the bar on the first day. His intention

went no further than to meet one set of opinions with another, by which the House would be able to judge, which of the parties were best informed.

Mr. *Fox* recurred to the same argument, and begged leave to make a few observations on the noble lord's speech. The matter had been fully explained; there were two sides and two parties, according to the new language of the noble lord, but no party for this much injured country. For his part, he should be of no party; if ministers, by their incapacity and obstinacy, had lost America, however zealous their friends might be to support them, there was no man hardy enough to avow it; on the other hand, if the commanders were to blame, he trusted there was no person so factious as to give them support, at the expence of justice and their own honour.

Lord *Howe* said, however strong the noble secretary might have been in his expressions, he had thrown out the most ill-founded insinuations against him and sir W. Howe. They had not made any charge against administration. They were accused with being the authors of our present misfortunes, so far as those proceeded from the miscarriages of the American war. They called witnesses to exculpate themselves, not to accuse any man. The general near him had put no other questions but such as were merely directed to that purpose. If other hon. gentlemen asked questions, and the witnesses in answer gave opinions, he could not see any ground for charging him and the hon. general with being accusers. They were defenders of their own honour and characters, not accusers; they had confined their questions to the subject matter of the papers. On the other hand, the noble lord stood forth as a specific accuser of the hon. general; notwithstanding which, the noble lord turned the tables on him and the hon. general, and thereby committed an act of which his lordship only had as yet furnished an example. Lord Howe spoke to several other points, arising from the nature of the evidence already given, and testified his utmost satisfaction that the noble lord had at length agreed to enter seriously into the enquiry.

Mr. *De Grey's* motion was then agreed to; on which he moved for the attendance of general Jones, colonel Dixon and major Stanton: also for John Maxwell, Joseph Galloway, Andrew Allen, John Paterson, T. Morris and Enoch Story, esqrs.

Mr. *Burke* condemned the calling American refugees, and custom-house officers, to the bar of that House, in order to impeach and controvert the evidence of men of high rank in their profession, and to prove the temper and disposition of the people of America, to support the legislative rights of this country over that. Was not the dependency of America already given up? Were not acts for that purpose recorded in the statutes on the table? Were not commissioners sent out, to offer a surrender of every claim but what immediately related to the power and patronage of the crown? What then could the constitutional rights be, which the loyal part of the people of America contended for? Not for the supreme right of parliament, that had been given up; not for a revenue, that had been long since abandoned; not for any political legislative connection, for that had been already negotiated away by the commissioners, who acted under the conciliatory acts of last session, and that too in the very teeth of the spirit and letter of those acts; for what then? to shew that a corps of mercenaries, who would fight under any banner, or in any cause; a few refugees, pensioned and supported by government, and a set of custom-house officers, whose very existence depended upon the profits of their places and emoluments, will prove what? that men coming within those respective descriptions will give evidence of the sentiments respectively entertained by them, of the duty, loyalty, and constitutional sentiments of each other.—He did not wish to insinuate that there might not be several respectable individuals, who were zealous in support of the legislative rights of this country; but the true test now, and at every former period was this, and this only; were they sufficiently numerous, and able to maintain the King's government against the usurped powers, supposing that it had been restored by a superior force from this country? If not, what availed this warmth and profusion of words? Any thing short of such a disposition and ability united, signified just nothing; for it amounted plainly to this, that Great Britain is at the expence of 15 or 18 millions a year, to wage a perpetual war with a clear decided majority of the people of America; and if we should subdue them in the end, that we must either consent to keep up a war establishment, to maintain the superiority so dearly purchased, or have our loyal subjects there liable to

similar oppressions to those, which we had put ourselves to so enormous an expence to free them from. Was the war with America to be continued, without the least probability of success? or if attended with success, what were we to fight for? for the power of the crown, not for the rights of parliament. But he begged the noble lord's pardon: perhaps every promise or offer was to be withdrawn, and we were again to contend for unconditional submission. The noble lord, in a former debate, gave an opinion to that purport. Whence, then, would his aid be drawn? not from the loyal inhabitants of America, for they abhorred the idea. He doubted much, if many of those who composed the provincial corps, would draw their sword in such a cause. The best affected in that event would soon become disaffected; even the refugees and pensioners would be staggered; he meant such as were so from principle; and the whole work would be to begin again. This country, at 3,000 miles distance, at war with France, and probably on the eve of one with other powers, would be committed, in an additional contest, with America united. So that the whole of the noble lord's argument presented the following alternative: with a part of the American loyalists we continue the war, in support of the patronage of the crown; or contending for unconditional submission with the whole united force of North America.—He concluded, with begging leave to put in his claim, that when the evidence was finished, ministers should not be permitted to shield themselves under a pretence of its being defective, on account of the absence of material witnesses; the defect must be felt equally by both sides. Ministers, by calling other witnesses, had committed themselves without reserve; he hoped, therefore, that neither the House nor committee would pay the least attention to so flimsy a pretext, should it hereafter be urged as a plea for the justification of their conduct.

The Committee was adjourned to the 18th,

May 18. The House being in the Committee; as soon as sir George Osborne had closed his evidence,

Sir *William Howe* rose, and observed, that the noble secretary for the American department, among other accusations, the truth or injustice of which, he did not now mean to discuss, had charged him with

neglect in not corresponding with him, for upwards of two months; and his lordship added, that it was this circumstance more than any other, that induced his lordship to withdraw from him his confidence: for his part he thought it would have shewn much more candour and ingenuity in the noble lord, when he mentioned the fact, to have likewise accompanied it with the circumstance; if his lordship had done so there would have been no necessity for the present explanation. He did not mean for the present, to call any more witnesses in this stage before the noble lord should examine those on his part, he begged the indulgence of the committee therefore for a minute or two to speak to the circumstance alluded to.

On the 16th of July, the day before he left New-York to proceed on the southern expedition, he wrote to the noble lord, to inform him that he was preparing to proceed for Philadelphia, by the Delaware. When he got off the Capes of the Delaware, which was on the 30th, he did not think it necessary to acquaint his lordship, because he was already informed of his destination; but as soon as he arrived, and the troops were landed at the head of Elke, and the disposition of the inhabitants towards the British government known, he sent home a dispatch, dated the 30th of August, which dispatch he understood had not reached the noble lord till the 28th of October; so that, although the noble lord was two months and more without hearing from him, he did not neglect his duty, for he wrote twice within or about six weeks. The landing was not effected till the 25th, and he thought that the strength and position of the enemy, their numbers, and the conduct of the neighbouring inhabitants, &c. were all circumstances, worthy of learning and communicating, and of delaying the dispatch for three or four days. He allowed, that the noble lord was perfectly founded in his fact; but when his lordship stated it, he should have added, that it was no neglect in the general, but accident; and although he received no letter from him for upwards of two months, that nevertheless he had written two; the first July the 16th, received August 16th, from New-York; the second, August 30th dated the head of Elke, and not received by his lordship till October 28th.

Lord *G. Germain* replied, when he stated the fact now alluded to by the hon. general, he did not state it as matter of accusation, but it merely fell from him in

argument, in answer to a charge made against him by an hon. gentleman, that he had withdrawn his confidence from the commander in chief. He said, he was surprised and very much so, that he had never heard from the hon. commander for two months and six days. He was free to acknowledge, that he added, he knew no more of the hon. commander, nor what he was doing, than any person walking the streets, and if there was any heat in the expression, on reconsidering all the circumstances he hoped he should stand excused in the opinion of the hon. general. His candour was impeached by not mentioning that though no letter was received yet two were written within the time described. He could not see how it was necessary for him to explain that circumstance. He related a fact in the warmth of debate as a matter explanatory of the main subject: he was accused with withdrawing his confidence from the hon. commander, he was giving his reasons why he did so, and among the rest mentioned his not hearing from him within so long a period; this was not accusing the hon. commander, but shewing the cause of the many very unpleasant ideas so long a silence had created in his mind. The hon. commander says, why not acknowledge the writing of the dispatch? To this he could only answer, that the correspondence on the table was open to every hon. gentleman; and that it could hardly be expected, that in the heat of debate, he could carry in his memory the contents and dates of every letter and paper which related to the present enquiry.

Lord Howe then informed the committee, that the evidence, on the part of the hon. general near him, was closed; he meant to say so far as he could determine at present. He begged leave to state the exact situation the hon. general stood in. Witaesses had been summoned to attend, as many of them were examined as were thought necessary for the information of the committee respecting such parts of the hon. general's conduct, as were objected to. Since then, the noble lord at the head of the American department, thought proper to call for the attendance of several officers and others civil and military. If, therefore, on the further examination, any part of the former evidence delivered in the course of the enquiry should be contradicted or strongly controverted, he thought the hon. general ought to be left at liberty, to meet those facts,

reasonings, opinions, &c. with other evidence, by which means the committee being in possession of every thing material urged on either side, would be the better enabled to determine.

He meant this reservation only as applicable to the case of the hon. general near him, for the only witness he thought necessary to call upon was sir A. Hammond. He was the person to whom the debarkation of the troops was entrusted, and of course the fittest to be examined. Sir Andrew's services were wanted elsewhere, for which reason he should give him no farther trouble; but if any part of that gentleman's testimony called for elucidation, he was ready to rise in his place to be examined. Several gentlemen had interrogated sir Andrew very closely; he had answered very fully as far as he knew; if any doubts were still retained by any of those gentlemen respecting that officer's testimony, he was ready to supply his place, and give to the committee every satisfaction in his power.

He could not sit down at this stage of the business, without making a few observations on questions put by some hon. gentlemen during the sitting of the committee. One of those gentlemen, (governor Johnstone) had interrogated sir Andrew very particularly as to the time lost in going up the Delaware, and asked him if at the time (he meant before the fleet proceeded to Chesapeak) he was acquainted with the land and water defences, the works at Mud Island, the galleys, fire-rafts, &c. in the Delaware. On this he had but one short observation to make, that it could be hardly supposed, that sir Andrew was acquainted with the particular state of the works and defences of the Delaware, before his services rendered such a knowledge necessary; that rested properly with him, as commander of the fleet. Sir Andrew's opinion reached no farther than what came within his own knowledge. He could describe the construction and nature of the defences by land and water, the resistance made by the enemy, and the great difficulties the fleet and army must have to encounter with, had they landed in the Delaware: the responsibility was his; the execution was sir Andrew's. He preferred the landing of the troops in Chesapeak to the Delaware: when he formed this resolution, he had his reasons; and whether they were cogent or unfounded, was the proper business of the committee to judge of.

Another hon. gentleman (sir R. Sutton) had interrogated sir Andrew respecting the height and rapidity of the tide in the Delaware. The apparent intended effect of that hon. gentleman's question, was somewhat unusual. After examining the witness for a very long time indeed about the run of the tide and its height on the spring, and finding that the witness asserted it rose so many feet, and run down at the rate of three knots and a half an hour, the hon. gentleman immediately transfers the scene of examination to England, and asks the witness about the Severn, the Thames, and the Humber, to the rapidity and flow of which the witness cannot particularly speak. What, then, is the conclusion to which the hon. gentleman points? That because the witness exactly describes the circumstances touching the Delaware, and does not undertake to describe the Thames and the Humber, that the proof of what he knows shall have no weight, because there is something else which he does not so correctly know, and therefore declines to describe. It would therefore rest with the committee, whether a run of tide of three knots and a half an hour was a stream sufficiently rapid to expose the fleet to imminent risk and danger, from the fire-gallies, ships, and rafts, the whole of the land defences, with the command of the *chevaux de frise*, &c. being at the time, in possession of the enemy.

Another hon. gentleman (Mr. Eden) had put a very remarkable question to lord Cornwallis. He asked him if sir H. Clinton had been consulted on the southern expedition; or if not, whether sir Henry had ever given any opinion respecting it, or a preference to the carrying on the operations of the campaign by the way of the North River, in order to co-operate with the army under the hon. general over the way, in his expedition from Canada? If the hon. gentleman's question was framed in order to raise an inference against the southern expedition, he begged to contend, that it could not fairly support any conclusion one way or other. The measure was a wise one, or it was not. If it was, sir Henry's opinion against it could not impeach the conduct of the person who planned it; if it was not a proper measure, it must be censured, though sir Henry had privately or publicly approved of it.

The commander in chief stands responsible to that House and the nation at large, for his conduct, as his measures were his

own: he was not obliged to consult any man. He could not share his responsibility, nor was he bound by his opinions. Officers in subordinate situations were answerable only for the execution of the particular plans or services entrusted to their care. Besides, there was another very strong reason, which rendered any previous consultation unnecessary. Sir Henry was left at New York, and as occasion might offer, by making a diversion up the North River, was to co-operate with the army from Canada; so that coupling the personal responsibility of the commander in chief with the other arrangements respecting the defence of the province of New York, he could not possibly conceive what end it could answer to consult sir Henry, who was to be engaged in distant operations, upon the propriety of approaching Philadelphia, by Chesapeake or the Delaware. He did not mean to be understood to say whether sir Henry was or was not consulted, or if he was, whether he was for or against the southern expedition, or the best mode of approaching Philadelphia? All he wished to impress upon the committee was merely this; that officers acting in responsible situations, though they may, are not bound to consult subordinate officers, who cannot from the nature and extent of their commands be answerable for more than the execution of the particular measure with which they may be entrusted. Such is the case before the event takes place, and must continue to be the same after.

Mr. Eden declared that the opinion now stated so ably by the noble lord, differed widely from the sentiments he ever entertained of the proper conduct of a commander in chief, in circumstances such as had been described by his lordship. He said, he never spoke in that House but with infinite reluctance; but as he had been personally alluded to, he thought it was a respect due to the noble lord and that House, to say a word or two in his own justification. The question he put to lord Cornwallis, was in his opinion a very proper one; for though sir Henry Clinton was not to be engaged in the southern expedition, before that measure was finally determined upon, one or both these events might have taken place; that the hon. commander in chief, having advised with him, sir Henry's opinion might have induced him to change his plan and go to the northward, in which case sir Henry, as a service of much greater im-

portance than staying behind at New York, might have acted as second in command in the grand army. On the other hand, though the expedition to the southward should in the breast of the commander in chief have had the preference, yet it might be very proper for the latter to consult the person, who in case of death or any other accident was to succeed him in the command. Previous to such a possible event, he thought it might have been very advisable, that a confidence, concert, and general communication should subsist between those officers, because if it should happen to take place, the successor to the command would come to it every way better informed and instructed.

Sir *Richard Sutton* said, he did not recollect that he put any improper question to sir *Andrew Hammond*. That gentleman, to shew the danger the fleet and transports would have been subject to, if an attempt was made to land in the Delaware on account of the rapidity of its stream conveying down fire-ships and fire-rafts, stated the run of the tide to be three knots and an half an hour. It struck him at the time, that the run was far from being rapid, as he believed several rivers in England run down with equal velocity and swiftness. To satisfy himself, and not doubting that sir *Andrew* was acquainted with the current or flow of several rivers in England, he asked him concerning the Thames and the Humber, which he was led to imagine were not very rapid rivers, and believed run down at the rate of three knots and an half an hour. His questions were, therefore, by no means so framed as to impeach the fact stated by the witness, but rather to shew that other rivers, not deemed rapid, ran as fast down as the Delaware. This surely, as applied to the fact, was not extraneous to the subject matter; and he had reason to believe that he was well founded in his opinion, which by the most ingenious interpretation that could be put on it, amounted to no more than this; that what the witness deemed a rapid stream he did not; for it would be found upon enquiry, that the Thames at Gravesend rises as high during the spring tides as the Delaware, and that it runs at the rate of three knots and an half an hour, at that place.

Governor *Johnstone* supported the questions put to the witness relative to the delay in the Delaware. When the witness stated the delay to be only three hours, the making any delay at all struck him, as

if the noble lord and hon. general were not determined what course to steer; whether round by Chesapeak or directly up the Delaware. It struck him likewise, that the cause of this indetermination was the want of being properly informed of the land and water obstructions they might have to contend with. Taking the matter to be either way, he was free to agree, that the noble lord and hon. commander continued in a state of indecision which measure to adopt. He had another reason, connected with the foregoing, for pressing the question on the witness, and it was this: sir *Andrew Hammond* stated the time lost to be but three hours; now, if he was not grossly misinformed, it was a delay not of three, but seventeen hours; nay more, was not only so much time lost to no manner of purpose, but, it was risking the whole fleet, men of war and transports, and of course the whole army. The channel was narrow and difficult, and in case of a gale of wind, or any other unforeseen accident, the most fatal consequences might have ensued. He was eager to procure satisfaction on this point; for either the fleet and transports were wantonly hazarded, if the measure of proceeding by Chesapeak was previously determined, or until the fleet entered the river, no such resolution had been taken, which shewed that the commanders were not apprised of the defences in and on the banks of the Delaware.

Lord *Howe* said, the hon. gentleman's reasons were at an end, when he could assure him, that the fleet never anchored in the Delaware in its course to Chesapeak; that instead of being seventeen or three hours, the fleet was never in the Delaware a single minute; consequently the whole of the argument respecting the ignorance of the obstructions, and the presumed indetermination, which course to steer, was totally unfounded.

Mr. *Eden* then gave notice, that he would proceed to examine the witnesses moved for, when the committee should next meet.

General *Burgoyne* said, he was not prepared to proceed in the enquiry relative to the northern expedition, not having any expectation that the evidence of the hon. general and noble lord would have been so suddenly closed.

Mr. *Eden* moved, that the committee be adjourned to the 20th.

Earl *Nugent* condemned the whole enquiry from the beginning to the end, and

moved that the chairman do leave the chair.

General *Burgoyne* appealed to the justice of the House, whether, after the frequent calumnies, specific charges, and criminal accusations made against him, it would be proper to put an end to the committee? To his former argument he added, that if he could not be tried by a court-martial, if the enquiry should turn out in his disfavour, he might be expelled. An address to the throne to dismiss him from his situation in the army, or an impeachment might be preferred against him. All those were species of punishment which that House was competent to inflict; and he had his doubts that he might not be tried by a court-martial. But supposing that the House should decline to adopt any of those modes of punishment; might not the matter rest till the convention of Saratoga was finally ratified, which he understood was in a fair way of being settled; and then, if the House should disapprove of his conduct, might not he be sent to a court-martial? As to the noble lord who moved for the dissolution of the committee, on account of newspaper calumnies, &c. the argument did not at all apply to him. He had been repeatedly charged in that House with the loss of the northern army. It was a heavy accusation, because it involved in it the subsequent misfortunes which had reduced this country to its present most calamitous situation. It was a charge of the first magnitude, and called for the fullest and most satisfactory proofs to support it. But if, in the opinion of the committee, all further proceedings on his account must be stopped, he put in his claim for the gallant officers who served under him, whose characters and conduct were deeply wounded through his sides. A right hon. gentleman (Mr. Rigby) had, on a recent occasion, inflicted that wound on those gallant men. He had represented the terms of the convention in the most odious and disgraceful colours: 5,000 men piling up their arms, and rendering themselves prisoners in the presence of a rabble, an undisciplined militia, he said, was the first instance of the kind known in the British annals. This was a stigma that could never be wiped off, should the enquiry terminate here; it was such a transaction, if not justified by the circumstances, as would render the general who commanded deserving of instant death, and every officer who consented to so ignominious and disgraceful

a surrender, to be decimated. If upon no other account, therefore, he hoped that he might be permitted to rescue those gallant men, from that load of public odium they must for ever lie under should the committee be dissolved.—A learned gentleman, (Mr. Dundas) though he had not laid any particular stress upon the mere act of surrendering at Saratoga, was no less open and direct in the censures he passed on the precedent steps which led to that surrender. He contended, not only that his orders to proceed to Albany were discretionary, but that he himself understood them to be so, and expected no co-operation on the side of New-York, because he had written to sir H. Clinton for his advice and direction, which he would not have done, had he conceived his orders to have been peremptory; and he must have known by the letter from sir W. Howe to general Carleton, that he was not to look for any assistance from the grand army, before he passed the frontiers. If those facts thus urged could be supported, it was plain that his conduct was criminal, for it amounted to this; that he rushed upon certain ruin, though at liberty by his instructions to avoid it, by returning in time to Ticonderoga; and remained in his camp under the pretence of waiting for a co-operation which he did not expect. Such being the charges made against him, in the face of the nation, by hon. gentlemen of very respectable character and abilities, he threw himself on the justice of the House, both on his own account, and that of the officers under his command, that he might be permitted to defend himself.

Mr. *Rigby* got up in great heat, and after giving his reasons that he thought the committee ought to be dissolved, the conduct of the noble and honourable commanders having, in his opinion, been perfectly cleared to the satisfaction of the House, as well from the papers on the table, as by the verbal evidence delivered at the bar, launched forth into criminating expressions of the military conduct of the hon. general who spoke last. He contended that the annals of this country did not furnish a similar instance of 5,000 British troops piling up their arms in the presence of any enemy, much less such an enemy as that they had to contend with, an undisciplined militia. As to talking of going on with the enquiry, and if the committee should think proper to censure the hon. general, resting there till released by

the convention of Saratoga, 'it was preposterous to the last degree. Oh! says the hon. gentleman, you may expel me! Expel him! was that a punishment adequate to the deserts of so high a criminal, should it be discovered that the loss of the northern army was justly imputable to him? We may address for his removal, or dismissal; is that either an adequate punishment? We may impeach, granted; but can we punish? By no means; so that the request of the hon. general is briefly this; let us go on in a fruitless enquiry; let the hon. general impeach the noble lord (G. Germain) with impunity, because he knows he runs no risk, and see if he can fish out any one circumstance which may tend to throw a censure on the conduct of the noble lord; and if he can criminate in the least degree, then he fancies he shall be able to throw the blame from himself, and lay it on the noble lord. He contended, that the hon. general sat in that House under the authority of a rebel Congress; because he could not sit or debate in that House but by their permission.—He said, he was for the enquiry, so far as it related to the conduct of the noble lord and the commander in chief; and would be so in respect of the hon. general who spoke last, if he was in a capacity to be tried; but as the noble lord and the hon. commander had, in his opinion, been honourably acquitted, so far as the enquiry had gone; and as the hon. general who commanded the northern expedition could not be tried, he was most earnestly for putting an end to all further proceeding for the present. He differed totally from the hon. general, in supposing that animadversions thrown out upon his miscarriage, equally, or at all, affected those brave officers who served under him. He knew many of them, for whom he entertained the highest respect. He had a particular friend, the second in command (major gen. Phillips) whom he long knew and esteemed. It would be extremely unjust to censure him, who, by the hon. gentleman's own confession, had offered to force his way back to Ticonderoga, with a part of the army; and who would rather, he believed, devote himself to certain destruction, than consent to bring such an indelible disgrace on the British arms, as to agree to pile them up in the presence of an undisciplined militia.

General *Burgoyne* said, the hon. gentleman, not contented with his former general and injurious comments, had now

boldly asserted direct falsehoods, and reasoned upon them. That now he threw himself upon the protection of the committee, confident that thus attacked, not a man would dissent from giving him an opportunity to prove, what he pledged his honour to prove, that the last charges of that gentleman were unfounded and malicious. That the British troops, stated to have been 5,000 at Saratoga, were less than 2,000, and those exhausted and sunk to the lowest ebb of bodily strength by a continued course of almost unprecedented fatigue. They had been seven days and nights fighting, marching in the most severe weather, watching, famishing, without an hour's repose but with arms in their hands, and then exposed to the enemy's fire in every spot of ground they possessed; yet in such a situation, they offered themselves to death rather than accept dishonourable terms. The next false assertion the gentleman had been so unguarded in his passion as to make, and even to appeal to papers upon your table, was, the offer of general Phillips to force his way to Ticonderoga with a part of the army. He was astonished to find any heat could betray a gentleman into an expression so directly contrary to truth. There was no such word in any paper. The offer of general Phillips (a most generous one, like all his other actions) was, with a single guide, to attempt an escape to Ticonderoga, in order to put himself at the head of the garrison there to defend the place. He would prove this fact; and even this offer became impracticable. A third positive falsehood was the state the gentleman had given of Mr. Gates's army. He would prove that they consisted of above four to one in numbers, and that they were disciplined steady soldiers. He would further prove that there was not a dissenting voice among his brave companions, the general and field officers, in rejecting the terms offered by Mr. Gates, nor of subscribing to those proposed and digested in our councils of war. He said, he was tempted to enlarge upon the violent speech of that gentleman, but could trust his temper no further, and would leave him to the judgment of the committee who had heard his charges, and the refutation of them.

Mr. *Fox* now rose, and most earnestly implored the justice of the House in favour of the hon. general who had just sat down. The first point to be considered was, can the hon. general be tried by a court-martial, situated as he is in respect of the Con-

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gress? or if he cannot, will it be proper to enquire into his conduct in this House till he is released from his present engagement to the Congress? In his opinion, we could send him to a court-martial by making a suitable return in either number and quality; that we most clearly could proceed against, try and punish him, for state or criminal offences; and even if we could not, that the enquiry ought to go on, and if further proceedings relative to the hon. general should be thought necessary, they might be suspended, till the only impediment, real or pretended, which at present stood in the way, should be removed.

He had heard no one sound reason yet urged to shew, that the hon. commander might not be tried this instant. He knew no law which exempted an officer from a military tribunal. The right hon. gentleman had charged him with offences of a very criminal nature indeed; with disgracing the arms of his country, with rendering into the hands of its enemy, an whole army. He would just make one supposition more, equally well founded, he was inclined to believe, with any of those he had enumerated. He would suppose, that to the other imputed disgraceful offences, the hon. commander had been charged with treachery, what would be the effect of the right hon. gentleman's doctrine? That after betraying his country, he might return to it when he pleased with impunity; and it would nevertheless be in the power of those to whom he betrayed it, to protect him by refusing to release or exchange him. This case, which as to the fact of treachery, had often happened before, and might again, plainly pointed out the absurdity of contending that a military man, as soon as he becomes a prisoner, is no longer a member of the community, owes it no allegiance, and stands exempt from every species of punishment, be his crimes ever so base or atrocious, if the party to whom he has surrendered himself a prisoner, thinks proper to protect him in his infamy and guilt.

But says the right hon. gentleman, on the second head, that of civil enquiry and subsequent punishment, What signifies expelling him? what signifies addressing the crown to dismiss him from his post and command in the army? Such punishments are by no means adequate to the magnitude of his crimes, should the charges be made good; and as to an impeachment, what an idle farce it would be to impeach a man, when you cannot punish him!

Here the right hon. gentleman was, indeed, extremely unfortunate and hard set to keep up even the colour of an argument; expulsion is nothing; dismissing him from his station in the army is nothing; an impeachment he confesses would be something, if the hands of justice were not tied. You may impeach perhaps, but you cannot punish.

Here, then, were a string of assertions, equally contradictory to the feelings and judgment of mankind. Who but the right hon. gentleman would gravely assert, that expulsion was no punishment, or depriving an officer of the fruits of four or five and thirty years service, the rank of lieutenant-general in the army and a regiment of cavalry, attended with circumstances of disgrace, were no punishment? Or how was it possible to conceive that the same power which could impeach could not punish? On the contrary, was it not self-evident to the most moderate capacity, that at this instant the hon. general was amenable to the laws of his country, and was as liable to be tried and punished for a breach of them, as any other man in this kingdom? It was, indeed, a most extraordinary argument, that the worst or most vicious man, as soon as by management or treachery he became a prisoner, had no more to do than instantly to return to his own country and commit every crime the most corrupt heart might suggest, and yet evade the punishment annexed to the commission of such horrid offences.

He was ashamed to spend a moment of his time, or that of the House, in refuting such palpable absurdities. If the hon. general was amenable to inferior tribunals, he was of course amenable to the first tribunal of criminal justice in the kingdom, that of parliament, where he was liable to be tried on an impeachment preferred by one House to be heard and decided upon by the other, or by a Bill of pains and penalties; so that either principle was equally fallacious and ill founded. He might be tried for treachery or disobedience of orders by a military tribunal; he might be expelled; he might be dismissed. He might be tried in a court of criminal justice for offences properly and solely cognizable there; or, he might be tried and punished by parliament.

The right hon. gentleman, with that confidence and authority in which he usually delivers his opinions, says, the hon. general sits and votes in that House at

the will and by the permission of a rebel Congress; but, as in all the foregoing instances, he has forgot to adduce a syllable of proof in support of his assertion. What book is it on the credit of which he hazards such an opinion? Is it on the authority of any great writer on the law of nations? He was certain not. On the contrary, it was well known, that a noble lord (Frederick Cavendish) who was made prisoner at St. Cas, on the coast of France, during the late war, having entertained some doubts whether, being on his parole in England, he was, as a prisoner, at liberty to attend his duty in parliament; and having communicated his doubts on the subject to the court of France, the answer he received was, that sitting and voting in parliament would be no more a breach of his parole, than getting his wife with child.

He then proceeded to the last point, that of going on with the enquiry, on the supposition that the hon. general could not be punished till released from the convention of Saratoga, and suspending any further proceeding till that event should take place. This, though an unnecessary condition, if there should appear anything even doubtful, would answer every end. If the hon. general's conduct should call for a military tribunal, a very few weeks (perhaps at this very instant he stood disengaged to the Congress) would subject him to an enquiry; or, on the other hand, if in the opinion of the House, it should be found that no blame was imputable to him, but that the miscarriage of the expedition from Canada was owing to the ignorance and incapacity of the ministers who planned it, and not to the general intrusted with its execution, then it would be proper that the justice of the nation should take place, and those men who had been the cause of the loss of America, of so much blood and treasure, a foreign war with a powerful enemy, and a threatened war with another powerful enemy, be brought to condign punishment.

He allowed, it would be rather premature to give an opinion one way or the other: but if ministers persisted, and by their irresistible influence and power of numbers should carry the question against any farther enquiry, it would be to him the fullest demonstration, that they were conscious of their own guilt, and on that account, and that alone, fled from the enquiry.

The noble lord who moved the present

question, moved it for the third time. The noble lord in the blue ribbon, more reserved, but equally desirous to prevent it, refused to co-operate, but took care as effectually to defeat the proper object of the enquiry as if he had moved for its dissolution. When the motion for resuming the same question was moved by his hon. friend near him (col. Barré) the same noble lord moved the order of the day, and was openly abetted by the noble lord in the blue ribbon. The right hon. gentleman below him, who this day took such different ground, differed from his friends, and the two noble lords were obliged to submit; now for the third time, the same noble lord had made a similar attempt, and the noble lord in the blue ribbon affects a kind of sullen silence or indifference; but whether the noble lord shall rise or not, the principle and object of these various attempts have been uniform, that of defeating the enquiry, and thereby evading the justice of the nation.

He conjured the House, as they regarded their own honour, their character without doors, and the opinions of mankind, to at least preserve appearances. If, at all events and hazards to themselves and the public, they were determined to support the present set of ministers in power, he recommended them to do so by a vote of acquittal after enquiry; and not, by a servile acquiescence, sacrifice the very appearance of justice, and the forms of their proceedings.

Before he sat down, he begged that the right hon. gentleman who took so conspicuous a part in the present debate, would reflect a little, and endeavour to reconcile his present conduct to that adopted by him the last day the question was discussed; otherwise it would have a very strange appearance, to be for suppressing an enquiry, the necessity of which he had so warmly urged but a few days since; nay, indeed, it would be little short of a direct desertion of all his former principles and professions, respecting the conduct of the American war, for the last eighteen months or two years; for as often as ever the question was agitated, his constant language was, that there was blame somewhere; and that it was of course highly becoming that House, and an indispensable duty to trace it to its source, and discover who were the authors of our national misfortunes.

Governor *Johnstone* observed, that there was no distinguishing the case of the hon.

general from the commander in chief; the southern and northern expeditions formed separate parts of one great whole. The enquiry did not merely confine itself to the cause of the loss of the army at Saratoga, though that itself was of infinite importance, nor to the delays which rendered our advantages in Pennsylvania less decisive than might otherwise be expected; but to learn the reason why the hon. general had not an effectual co-operation up the North River. He was free to say, that this misunderstanding between the commander in chief and the hon. general to whom the expedition was entrusted, was the great source of all our subsequent misfortunes. A plan is agreed to in the cabinet, for a certain force to proceed to Albany, under the idea of a co-operation, by a part, or the whole of the grand army; the general proceeds to take upon him the command; under that idea, his arrangements, both without the province and before he passes the frontier, are correspondent with this pre-supposition; and it is not till after half the campaign is over that he learns, by a letter from the commander in chief, that the main army is destined for the southward, and that he is to expect no effectual assistance from him. Here, then, was the very jut of the enquiry. How happened it, that the hon. general below him, was commanded to force his way to Albany at all events, and effect a junction with sir W. Howe, while it was evident, that long before the operations of the northern army commenced, sir W. Howe was resolved to go to the southward? In the words of the right hon. gentleman (Mr. Rigby) there must have been a fault somewhere; though without giving the hon. general the liberty of justifying or vindicating his character, he seemed warmly disposed to leave it at his door, and equally desirous to acquit, without enquiry, the commander in chief.

He affirmed, that the want of co-operation was the cause of the loss of the campaign, and before either the commander in chief or the hon. general could be justified in the opinion of that House and the nation, the propriety of going to the southward, instead of going up the North River, must be demonstrated. Secondly, the hon. general must shew, that his orders were peremptory; he meant not literally so; and that when he discovered that he was to expect no effectual assistance from the grand army, or that left in New York province, his orders were

such as would not permit him to return, consistent with his duty to his sovereign, and the general usages of service. If both those facts were properly established, it would then rest with administration to shew, on what motives they acted; and how they came to have risked so inadequate a force, in the execution of so hazardous an enterprise.

He never entertained a second opinion on the campaign of 1777; he gave it early and openly, and had neither heard nor read a syllable hitherto on the subject, sufficient to induce him to change it. A very respectable witness at the bar, (general Gray) had endeavoured to shew, that the expedition to the northward did not present so good a prospect of success as that to the southward. It might be so; no evidence had as yet been received but on one side, and even that, however strong, did not seem to him fully satisfactory; for his part, therefore, he thought it highly incumbent upon ministers to set their faces against the motion, for the natural conclusion would be, that they had neither cleared themselves, nor acknowledged the justification of the commander in chief.

An hon. friend of his (Mr. Fox) had pressed, with his usual ability, the propriety of relinquishing all further thoughts of bringing back the United States to their former state of obedience; because, said he, should the committee be dissolved, it will be an acknowledgment that America is invincible, and an avowal, that although the force was apparently adequate, the measures wisely planned and ably executed, that the whole failed through difficulties insurmountable and permanent. This argument, however specious as employed against ministers, did not make the same impression on his mind, because he did not subscribe to the premises; he believed on the contrary, that the plans were defective in more than one instance, and in the execution in many; and that was his chief motive for rising in the present debate, and he begged leave to state his reasons.

The general officer examined at the bar, with every other professional man who gave evidence, in a greater or less degree endeavoured to establish the following facts. That every measure was ably and faithfully executed; that abandoning the Jerseys and going to sea, was the proper mode of possessing the province of Pennsylvania; that the landing

in Chesapeake was preferable to the landing in the Delaware; that the operations were impracticable and difficult, and held out no rational prospect of success; that the country was fortified so strongly by nature, as to render success highly improbable with any force we could send out or procure; and that "the people were almost unanimous in their resistance, and were determined never again to return to their former connection with the parent state."

It was unnecessary to enter into particulars; this was the sum, substance and uninterrupted stream of the facts and opinions, delivered at the bar. Those opinions if not contradicted, would get out in the world as so many established facts. If, then, all farther evidence should be stopped, on what ground or even pretence can we continue the war? None at all, that he could see. It was to meet those opinions that he wished most sincerely, that the committee would proceed, and that evidence of equal authority should be opposed to those opinions, to shew that great numbers, he would not undertake to say a majority, of the people in the united colonies, were well disposed to Great Britain; and that it was not yet too late, nor was the cause so desperate, as to forbid all hopes of bringing the body of the people back to their duty. On this ground he thought himself fully justified in giving his negative to the motion made by the noble lord.

Earl Nugent said, he by no means wished to oppress any man, or preclude the hon. general from an opportunity of vindicating his conduct. All he said was, what he still adhered to, that he thought it impossible to try him, consistent with the law of nations and usages of war, and if it was impossible, that any farther progress in the enquiry would be nugatory and absurd. As to the commander in chief and his noble brother, he never suspected that they had not acquitted themselves as able and judicious officers; the evidence at the bar fully confirmed his pre-conceived opinions of their high deserts and very meritorious services. He vowed to God, he did not believe there was any fault any where, unless in the misfortune and loss of the northern army, which he was far from attributing to the commander. He might have misconceived the tenor of his orders, or formed expectations in which he was not well founded. Be that as it might, this House

was not, at so late a period in the session, the proper place to discuss such a subject, particularly as the hon. general could not be tried, and as to expulsion, dismission and impeachment, they were not the constitutional means of proceeding on charges of military misconduct. The law had established another tribunal, specially appointed for the purpose, and as soon as the hon. general became amenable to that tribunal, he made no doubt but he would have the earliest opportunity of vindicating his conduct, by a fair and indifferent trial. When he heard the decision of his judges, he would determine; till then, he should suspend any opinion either way.

Mr. Eden was much surprised, when he heard the proposition for dissolving the committee; several witnesses had been examined, who all concurred, that the war in America was impracticable, and the force sent thither inadequate, and that a great majority of the people were averse to a British government. Several witnesses were summoned to be examined touching those points, and now when the committee was just in that stage to receive their evidence, a motion was made to put an end to the enquiry. This he thought a very extraordinary mode of proceeding, and equally repugnant to justice and common sense: if he had foreseen that any such thing was intended, instead of moving to report progress, he would have instantly moved for calling the witnesses to the bar. He could not help thinking, that it would be doing a manifest injury to the hon. general, not to permit him to enter into a justification of his conduct. Repeated accusations of a very weighty nature had been made against him, accusations which ought not to be permitted in that House, unless they were intended to be followed up by suitable proofs and full investigations: and for his part, he would for one have called the right hon. gentleman to order the last day, had he foreseen, that while he was passing such unqualified censures on the hon. general, he was resolved to preclude him the only means left in his power of defending himself against such accusations.

Mr. Rigby said, that as soon as the hon. general arrived in England, a board of general officers was convened, who unanimously agreed that he could not be tried, till released from his engagement to the Congress; and he remembered an instance himself, which as to the mode of proceed-

ing was exactly similar to the present; that was a board of enquiry instituted, to enquire into the conduct of sir John Mordaunt, after his expedition to the coast of France in 1757; and it could hardly be expected that an officer of sir John's rank, experience and consequence, would submit his conduct to the decision of an illegal tribunal. The hon. gentleman (Mr. Fox) had charged him with versatility respecting the present enquiry. For his part, he ever entertained but one opinion, which was, that no enquiry ought to have taken place, in respect of the hon. general, till released from the terms of the Saratoga convention, nor none at all in respect of the commander in chief, as no accusation had been made against him: but when the American secretary made a specific accusation against the commander in chief, it was incumbent on the House to permit him to meet that accusation with necessary proofs. The hon. gentleman had reminded him of an expression of his, "that there was fault somewhere," and it ought to be strictly enquired into. He granted that he had often said so; but denied that the expression related to the conduct of the commander in chief, but was solely confined to the misfortune of Saratoga. He retained the same opinion still; he thought there was fault somewhere; and if the hon. general should be honourably acquitted, then it would rest with the noble lord who planned it, to answer for the consequences. He pledged himself, should that event ever take place, he would be one of the first to move for an enquiry into the conduct of the noble lord. The hon. general had endeavoured to convict him of a mistake, by saying that the British did not exceed 2,000. He spoke in a hurry; what he meant was, that the whole army which piled up their arms, native and foreign, consisted of 5,000 men, which he would again assert, was a circumstance unparalleled in the British annals.

Lord G. Germain said, that he thought the hon. general was entitled to be heard. He had been strongly accused; and justice demanded that he should be heard in his defence. Facts had been stated in evidence at the bar, which nearly affected himself, as responsible minister for the American department; and charges had been made by some of those witnesses against those brave and deserving men, who had by their presence in the field, and their services elsewhere, risked their lives, properties and dearest connections, in sup-

port of the constitutional rights of this country over our rebellious colonies; so that in every light of justice, he hoped the hon. general would be suffered to be heard; he hoped, that he might be permitted to enter into his own justification; he hoped the loyal Americans, in behalf of their brethren in America, who were fighting our battles, and suffering under every species of tyranny and oppression, would be permitted to prove their principles. It was a justice due to individuals, it was a justice due to that House, but above all, it was a duty we owed to our country, which no motive of convenience, or any subordinate consideration, could excuse us from fulfilling. He confessed he was against the enquiry, but only in point of time, for it must have made its way into discussion some time or other; but now that we had proceeded so far, he hoped there would not be a second person found in that House to oppose it.

Lord Nugent's motion was negatived, and Mr. Eden's agreed to.

May 20. The House being in the Committee, Mr. Montagu in the chair,

General *Burgoyne* addressed the Committee as follows:

Before I enter upon the narrative, which the precedent of your late proceedings authorises me to lay before you, I think it a duty to the committee, to promise that I shall trouble them with little other matter than such as may be necessary to elucidate the transactions of the campaign 1777. in that quarter where I commanded. I shall keep in mind, that to investigate the causes of the disaster at Saratoga is the principal point to which all evidence ought to lead: but at the same time, I shall take confidence in the justice and benevolence of my hearers, that where arguments in exculpation of the commander can aptly be combined with a faithful representation of facts, they will not be deemed impertinent.

Upon these ideas, though some introductory explanations are requisite, I shall suppress the inclination I at first conceived, of stating my conduct from the time, when, conjointly with my hon. friend who took the lead in this enquiry, I was called to the unsolicited and unwelcome service in America: nor will I enumerate the complicated circumstances of private misfortune and ill health under which I pursued it. Prudence, as well as other

propriety, is, I confess, consulted in this suppression: for were it seen, that an officer had invariably blended with the respect due to authority, warm, though disinterested personal attachments; that under a persuasion of the merits of the King's servants, he had united to his zeal for the public cause, an interest in their private honour and ambition; would it not be conceived that his guilt must be of an impression beyond all excuse or palliation, to induce the very men to whom his faculties had been thus devoted, not only completely to desert him, but to preclude him, as far as in them lay, from every means of defence, and if possible to ruin him in the opinion of the King, the army, and the country.

A respect to the time of the committee would also dissuade me from recurring to any points previous to my instructions that have been discussed heretofore, were it not, that I find great stress is still laid to my prejudice upon a paper which found its way to the House during my absence. I mean the private letter to the noble lord, secretary for the American department, dated 1st January, 1777. The noble lord has frequently stated that letter to have slipped inadvertently into the parcel destined for the House, and I gave him credit for that assertion; because, whatever other impressions he might have found it his interest to establish respecting me, he certainly would not have thought the principal injury to which that letter has tended, a proper one for him to put forward: it is a notorious fact, or I would not mention it, that it has been held a reflection upon my character (by the part of the public with whom the noble lord is unpopular) that I addressed him as a patron and friend. This is an imputation to which I must plead guilty; for at the time I wrote that letter, I certainly did hold that noble lord as my friend, and acted to deserve he should be so. The next ill tendency of that paper was, as the noble lord well knows, to convey, that I was endeavouring to supplant sir Guy Carleton in the command of the northern army—an action abhorrent to honour and the liberality of a gentleman; and of which, thank God, I can prove the falsehood, by irrefragable evidence upon your table, and in very small compass. I need only refer to the dispatches to sir Guy Carleton by his aid-de-camp, dated 22d August, 1776, four months before I came home, to shew that it was at that time de-

termined, that sir Guy Carleton should remain in Canada; and that determination was made, as I have been informed, not only upon the political reasoning which appears in that dispatch, but also, upon great law opinions, that he could not, under the commission he then held under the great seal, pass the frontiers of his province. Sir, this confutation was urged by me last year; and were collateral proof necessary to my justification upon this subject, I could bring to your bar a tribe of gentlemen, who had imbibed impressions not very favourable to the military proceedings of sir Guy Carleton in the campaign of 1776: I could shew that I seized numberless, indeed I seized every possible occasion to vindicate the judgment, the assiduity, the activity of that highly respectable officer, careless how ill I paid my court, earnest to meet every attack against his fame.

I beg leave also to call the attention of the committee, very particularly to one other paper, the date of which is previous to my departure from England; it is entitled, "Thoughts for conducting the War from the side of Canada, by lieutenant general Burgoyne." Sir, it will be in the recollection of the committee, whether, when the conduct of the war was under consideration last year in my absence, it was not understood, that the plan of the northern expedition was formed upon that paper, as produced upon your table. If so, I must ask the noble lord, why he suffered that error to prevail? The noble lord knew, (and it was peculiarly his duty to declare it) that the two proposals, the first of turning the expedition eventually towards Connecticut, and the second, of embarking the army in the river St. Lawrence, in order to effect a junction with sir W. Howe by sea, in case the attempt by land appeared "impracticable or too hazardous," were erased, while the paper was in his lordship's hands. From that paper, as it appeared without erasures, naturally arose the conclusion, that the plan I had to execute, was completely my own. Upon that paper were founded, as naturally, the doubts which have been entertained upon the peremptory tenor of my instructions. I must again ask the noble lord, upon what principle of justice he suffered those impressions to exist in this House? Why, in a debate in which he took a part, did he conceal, that the circumstances in reality were totally different from those upon

which gentlemen reasoned; that the discretion reserved in the paper before the House was taken away, and consequently that my orders were rendered absolute in the strictest sense, by the alterations. Let any gentleman who has supposed I had an implied latitude for my conduct, now compare this circumstance with the wording of the letter to sir Guy Carleton, dated March 26, 1777, with a copy of which I was furnished, and extracts from which were afterwards, the only orders I had to act upon.

I shall take no particular notice of what is called the saving clause, in the latter part of the orders, except to give the flattest contradiction to the supposition, that I dictated it; a suggestion that I know is still circulated. I have spoke to it very fully upon a former occasion,* and I do not wish, when it can be avoided, to enforce or reiterate the charges of duplicity and treachery which must ensue, if that clause could be supposed to have reference to any conduct previous to my arrival at Albany. The impression made upon my mind, by the circumstance of forbidding me each latitude I had proposed in my plan, and many other circumstances clearly indicating the decided intentions and expectations of the ministers, rendered the sense of the whole order taken together clear and distinct, and shewed that the clause which is pretended to have left me a discretion as to my main object, had no sort of relation to that object. That clause evidently related not to my forcing my way, or not forcing it, to Albany, the place of my destination, but to such collateral and eventual operations, as might be advisable in the course of my march. It related to the making impression upon the rebels and bringing them to obedience, in such manner as exigencies might require; and in my judgment, might seem most proper, previous to receiving orders from sir W. Howe, of my junction with whom I was never to lose view.

Notwithstanding there has been so much discussion in debate and print, upon the interpretation of absolute orders, the committee, I am confident, will absolve me, though at the expence of a few moments more, I should continue a subject upon which the merit or blame of the future proceedings in great measure rests. I do not admit the position, that there can

be no case in which an officer acting at a distance is bound at every hazard to pursue orders that appear absolute and decisive. It is easy to conceive circumstances which might justify a state, in hazarding an army for the sake of facilitating great and decisive objects. Gentlemen conversant in military history will recollect many examples of this principle. Upon a former occasion, I stated a supposed case, and I now entreat leave to add a real example, of peremptory orders, which happened in the course of my own service. I have ever retained the impression that the circumstance, I am going to relate, made upon my mind at the time, and to those who think that in any part of my conduct, I rashly risked my peace, my interest or my fame, to forward the wishes of others, this prepossession may in some measure account for and excuse my imprudence. In the campaign of 1762 in Portugal, the count la Lippe, a name, which, if it finds a due historian, will stand among the first in military fame, was placed at the head of about 6,000 British troops, and a Portuguese army, the greater part of which was little better than nominal, to defend an extensive frontier against the whole force of Spain, and a large body of the veteran troops of France. The salvation of Portugal depended solely on the capacity of that great man, which united the deepest political reasoning with exquisite military address. I had the honour to be entrusted with the defence of the most important pass upon the Tagus, and my orders were peremptory to maintain it against any numbers, and to the last man. A select corps of the enemy, greatly superior to mine, were encamped within sight on the other side of the river, and our advanced posts were within half musquet shot. In this situation, I received intelligence from count la Lippe, of a design of the enemy to pass the Tagus in force, about six miles above me, and to take possession of the open country in my rear, with a large corps of cavalry, by which means all communication, supply, or safe retreat, would be cut off. Together with this intelligence, the count's letter expressed, "That every delay to the enemy in getting possession of the pass I guarded, was so material to his other plans and operations, that it justified a deviation from systematic rules; that, therefore, after taking timely precautions to secure the retreat of my cavalry, I must abide the consequence with the infantry;

* See Vol. 19, pp. 1178, 1210.

that at the last extremity, I must abandon my cannon, camp, &c. and with such provision as the men could carry upon their backs, throw myself into the mountains upon my left, and endeavour, by small and dispersed parties, to gain a rendezvous at the northern part of the province." I must observe; that when these peremptory orders were given, the commander was at a distance that made all timely communication of circumstances as impossible, as if the Atlantic had been between us; and I cannot close the example without mentioning the concluding part of count la Lippe's letter. "He participated," he said, "in the feelings with which an officer would be struck for his reputation, in suffering himself to be cut, and reduced to sacrifice his camp, his baggage, and twenty pieces of cannon. But be at ease," continued that great and generous man, "I will take the measure entirely upon myself, persevere as I have directed, and be confident of my defence and protection." This was a saving clause, of a nature very different from those it is the practice in the present day to pen; and if any man doubts the quotation, I can bring positive evidence to the truth of it verbatim.

Thus much, Sir, I thought it incumbent upon me to state in argument against the position that has been insisted upon, that no orders can be worded so peremptorily at a distance, as not to admit of an implied latitude, in case of unforeseen and insurmountable difficulties: but to prevent all future cavil upon this subject, I request the committee to recollect, what I have again and again repeated, that I by no means put my defence, in passing the Hudson's river, solely upon this reasoning. On the contrary, supposing for the argument's sake, I should concede (which I never have done, nor mean to do) to the noble lord, and to every other gentleman, all they can desire to assume upon implied latitude in given cases, I should equally prove that no such case did exist, as would have justified me upon their own principle, in desisting from the letter of the orders under which I acted.

Having thus cleared my way to the time of my leaving England, to take upon me the command of the northern expedition; I shall now lay before the committee a Narrative of its progress, in as concise and simple terms, as the nature of the subject will allow, endeavouring to imitate the perspicuity of the hon. gentleman who

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took the lead in this business, and not without hope of my endeavours obtaining the same effect; and that in the persuasion of the House, my language, as has been expressed of his, will be deemed the language of truth.

It is my intention, for the more ready comprehension of the whole subject, to divide it into three periods. The first, from my appointment to the command, to the end of the pursuit of the enemy from Ticonderoga; the second, from that time to the passage of the Hudson's river; and the third to the signing the convention.

I left London on the 27th of March, and upon my departure from Plymouth, finding the Albion man of war ready to sail for New-York, I wrote to sir W. Howe by that conveyance, upon the subject of my expedition, and the nature of my orders. I arrived at Quebec the 6th of May. Sir Guy Carleton immediately put under my command the troops destined for the expedition, and committed to my management the preparatory arrangements. From thence I wrote a second letter to sir W. Howe, wherein I recapitulated that I was entrusted with the command of the army destined to march from Canada, and that my orders were to force a junction with his excellency. I expressed also my wishes, that a latitude had been left me for a diversion towards Connecticut, but that such an idea being out of question, by my orders being precise to force the junction, it was only mentioned to introduce the idea still resting upon my mind; viz. to give the change to the enemy if I could, and by every feint in my power to establish a suspicion, that I still pointed towards Connecticut. But I repeated, that under the present precision of my orders, I should really have no view but that of joining him, nor think myself justified by any temptation to delay the most expeditious means I could find to effect that purpose.

I proceeded to Montreal on the 12th, and as my letters, lately laid before the House from that place, and from Quebec, will shew the state of things, I should not rest a moment upon this period, were it not to add one more public testimony, to those I am not conscious of having omitted upon any occasion, of the assiduous and cordial manner in which the different services were forwarded by sir Guy Carleton. I should think it as dishonourable to seek, as I know it would be impossible to find, excuse for any fault of mine in any failure on the part of sir Guy Carleton, or

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of any persons who acted under him, in any matter respecting the expedition, within their power to effect. Had that officer been acting for himself, or for his brother, he could not have shewn more indefatigable zeal than he did, to comply with and expedite my requisitions and desires.

Certain parts of the expected force, nevertheless, fell short. The Canadian troops, stated in the plan at 2,000, consisted only of three companies, intended to be of 100 men each, but in reality not amounting to more than 150 upon the whole, nor could they be augmented. The *corvées*, which are detachments of provincials without arms, to repair roads, convey provisions, or any other temporary employment for the King's service, could not be obtained in sufficient number, nor kept to their employments, although sir Guy Carleton used every possible exertion and encouragement for the purpose. Drivers for the provision-carts, and other carriages, could not be fully supplied by the contractor, though no expence was spared; a circumstance which occasioned much inconvenience afterwards. To these unavoidable disappointments were added, the difficulties occasioned by bad weather, which rendered the roads almost impracticable at the carrying-places, and consequently the passage of the batteaux, artillery, and baggage, exceedingly dilatory: we had besides a great deal of contrary wind. Notwithstanding all impediments, the army assembled between the 17th and 20th of June, at Cumberland Point, upon Lake Champlain.

On the 21st I held a conference with the Iroquois, Algonchins, Abenekies, and Outawas, Indians, in all about 400. This conference appears in your papers. I thought at the time that the cordiality of the Indians over the whole continent might be depended upon, and their first operations tended to persuade me into a belief of their utility. The priest to whom they seemed devoted, and the British officers employed to conduct them, and to whose controul they engaged to submit, gained advantages, and spread terror without barbarity. The first party sent out made several of the enemy prisoners in the heat of the action, and treated them with European humanity.

During the movement of the different corps to this general rendezvous, I wrote a third letter to sir W. Howe. The chief purport of it was to give him "intelligence

of my situation at the time, and of my expectation of being before Ticonderoga between the 20th and 25th instant; that I did not apprehend the effective strength of the army would amount to above 6,500 men; that I meant to apply to sir Guy Carleton to send a garrison to Ticonderoga when it should be reduced, but that I was apprehensive he would not think himself authorised by the King's orders to comply; that whenever, therefore, I might be able to effect the junction, sir William would not expect me to bring near the original number. I repeated my perseverance in the idea of giving jealousy on the side of Connecticut, and at the same time my assurances, that I should make no manoeuvre that could procrastinate the great object of a junction."

I state these different letters to sir W. Howe merely to shew that my conception upon the precision of my orders was not an after-thought, and taken up as an excuse when I found the expedition had failed; but a fixed decided sentiment coeval with my knowledge of my command. For a farther proof of the same fact I beg leave to state an extract from my orders to the army at Crown Point, June 30th. The words were these: "The army embarks to-morrow, to approach the enemy. The services required of this particular expedition are critical and conspicuous. During our progress occasions may occur, in which, nor difficulty, nor labour, nor life are to be regarded. This army must not retreat." Were it necessary, I could bring abundant collateral proof to the same effect, and shew that the idea of forcing a way to Albany by vigorous exertions against any opposition we might meet, was general and infixed through the whole army.

My proceedings from the time of assembling the army as before described, to the date of my public dispatch from Skenesborough, comprehending the manoeuvres which forced the enemy from Ticonderoga, and the actions at Skenesborough, Huberton, and Fort Anne, are related at full in that dispatch. It is the less necessary to give the committee farther trouble upon this subject, because I believe no enemy can be found to arraign my conduct in those days of success; or if there were one, he could not deprive me of the consolation, that I had his Majesty's full approbation and applause, of which I could produce a very honourable and undeniable proof. All therefore that

is necessary, before I quit this first period of the campaign, is to give a precise state of the effective strength of the army, at the time it assembled.

On the 1st of July, the day we encamped before Ticonderoga, the troops consisted of British rank and file 3,724, German ditto 8,016, making 6,740 regulars, exclusive of artillery-men. Canadians and Provincials about 250, Indians about 400, making 650. In regard to the artillery, I think this the proper place to rectify the misrepresentations that have prevailed respecting the quantity employed. It has been stated as far beyond the necessary proportion for the number of troops, an incumbrance to their movements, and one cause of what has been called the slow progress of the expedition. In order to justify this charge, a view of the whole mass has been presented to the public without any explanation of its distinct allotments: and many have been led to believe that the whole was attached to the army throughout the campaign, and fell into the enemy's hands at last.

The facts, as I shall prove them to the committee, are as follow: The whole original train furnished by sir Guy Carleton consisted of sixteen heavy 24 pounders; ten heavy 12 pounders; eight medium 12 pounders; two light 24 pounders; one light 12 pounder; 26 light six-pounders; 17 light three pounders; 6 eight-inch howitzers; 6 five and an half-inch howitzers; 2 thirteen-inch mortars; 2 ten-inch mortars; 6 eight-inch mortars; 12 five and an half-inch mortars; and 24 four and two-fifth-inch mortars. Of these two heavy 24 pounders were sent on board a ship for the defence of Lake Champlain, and the other 14 were sent back to St. John's. Of the heavy 12 pounders, six were left at Ticonderoga, four ditto in the Royal George; four medium 12 pounders at Fort George; one light 12 pounder at Ticonderoga; two light 6 pounders at Fort George; four light 6 pounders at St. John's; four light 3 pounders at Ticonderoga; five light 3 pounders at St. John's; two eight-inch howitzers at Fort George; two ditto at St. John's; two five and an half-inch howitzers at Fort George; two thirteen-inch mortars in the Royal George; two ten-inch mortars in ditto; four eight-inch mortars in ditto; four five and an half-inch mortars at Ticonderoga; four royal mortars in the Royal George; twelve cohorns at Ticonderoga; and eight cohorns in the Royal George. The field

train, therefore, that proceeded with the army consisted of 4 medium twelve-pounders; 2 light twenty-four-pounders; 18 light six-pounders; 6 light three-pounders; two eight-inch howitzers; 4 five and an half-inch howitzers; 2 eight-inch mortars, and 4 royals. The carrying the 24 pounders, though there were but two, has been spoken of as an error; and it is necessary therefore to inform the committee, that they were of a construction lighter by 8cwt. than medium twelves, and to all intents and purposes field-artillery.

This artillery was distributed as follows: Fraser's corps, estimated at three battalions, ten pieces, viz. 4 light six-pounders; 4 light three-pounders, constructed for being occasionally carried on horseback; 2 royal howitzers. German reserve, under col. Breyman, estimated at 2 battalions, 2 light six-pounders; 2 light three-pounders. And served by the Hesse Hanau artillery-men. The line of British, four battalions. Germans, five battalions. Total nine battalions. Three brigades of artillery, of four six-pounders each; viz. one brigade for each wing, and one for the center. From hence it appears, that to 14 battalions, there were allotted 26 pieces of light artillery. The customary allotment is two pieces per battalion, consequently the proportion of artillery was less than upon common services.

The forming artillery into brigades, in preference to detaching two guns to each battalion, has been constantly practised in most services during last war, under the ablest men, and it is productive of many advantages, as the brigades, by that means, either singly or united, fall under the command of a proportionable number of officers. The service is carried on with greater regularity, and the effect of the fire becomes much more formidable than when scattered along the front of the line. This mode of service was recommended by major-general Phillips, and adopted without hesitation by me, as coming from an officer of his great experience and judgment.

The park artillery consisted of ten pieces, viz. two light twenty-four pounders; four medium twelve-pounders; two eight-inch howitzers; two royal howitzers. I understood this proportion of field-artillery to be the same as that proposed by sir Guy Carleton, had he commanded; it was the proportion recommended by general Phillips, and I formed my opinion con-

formably to those respectable officers, upon the following reasons, viz. that artillery was extremely formidable to raw troops; that in a country of posts, it was essentially necessary against the best troops; that it was yet more applicable to the enemy we were to combat; because the mode of defence they invariably adopted, and at which they were beyond all other nations expert, was that of entrenchment covered with strong abatties, against which the cannon of the nature of the heaviest above described, and howitzers, might often be effectual, when to dislodge them by any other means, might be attended with continued and important losses.

In these general ideas of the use of artillery against the rebel forces, I have the happiness to observe, from the papers before you, the concurrence of sir W. Howe, who states similar ideas very fully in one of his requisitions to the secretary of state; but further reasons for not diminishing the proportion of guns of superior calibre to six-pounders in this train, were, first, their use against block-houses (a species of fortification peculiar to America); secondly, a probability that gun-boats might be requisite for the security of the water-transport, on some parts of the Hudson's River; but principally, was the supposition of fortifying a camp at Albany, in case I should reach that place, should meet with a sufficiency of provision there as I was led to expect, and should find it expedient to pass the winter there, without communication with New-York.

With respect to the quantity of ammunition attached to this artillery, it is to be observed, that the number of rounds accompanying the light pieces, and which were carried in small carts, were not more than sufficient for a day's action. Light six-pounders 124 rounds each, light three-pounders 300 rounds, royal howitzers 90 rounds. The different reserves of ammunition were chiefly conveyed by water in scows and batteaux. It certainly would not have been advisable, after a communication with Canada was at an end, to depend upon precarious supplies from the southward; and therefore it became necessary (as far as the service would allow) to bring forward such stores as there was every appearance of an absolute want of during the course of an active campaign.

Had the enemy established themselves in force, upon the islands at the mouth of the Mohawk River, or on other ground

equally advantageous to have disputed the passage of that or of the Hudson's River, or that they had even waited an assault in their works at Still-Water, it is probable that recourse must have been had to artillery of the heavier nature, in the latter case especially, to have derived any advantage from our seizing a post upon their left flank; I have since known that they had iron twelve and nine-pounders mounted upon those works, which were in other respects very formidable.

The British artillery-men, rank and file, were 245, recruits under command of lieutenant Nutt of 33d regiment, attached to the service of the artillery 150, Hessian artillery-men, rank and file 78; making 473. Add these numbers to the former state of the army, and it will be found that the regular strength, when at the greatest, consisted of 7,213.

I now come to the second period of the campaign, comprehending the transactions from the time the pursuit of the enemy from Ticonderoga ceased, and the corps of brigadier general Frazer and the 9th regiment, rejoined the army, after the respective actions of Huberton and Fort Anne, to the time when the army passed the Hudson's river to attack the enemy near Still-Water.

It had proved impossible immediately to follow the quick retreat of the enemy farther, from the nature of the country, and the necessity of waiting a fresh supply of provisions. But it appeared evident to me, that could a rapid progress towards Albany be effected, during their dispersion and panic, it would be decisive of the success of the expedition. Question has been made by those who began at this period to arraign my military conduct, whether it would not have been more expedient for the purpose of rapidity to have fallen back to Ticonderoga, in order to take the convenient route by Lake George, than to have persevered in the laborious and difficult course by land to Fort Edward. My motives for preferring the latter were these; I considered not only the general impressions, which a retrograde motion is apt to make upon the minds both of enemies and friends, but also that the natural conduct of the enemy in that case would be to remain at Fort George, as their retreat could not then be cut off, in order to oblige me to open trenches and consequently to delay me; and in the mean time they would have destroyed the road from Fort George to Fort Edward. On the

other hand by persisting to penetrate by the short cut from Fort Anne, of which I was then master, to Fort Edward, though it was attended with great labour and many alert situations, the troops were improved in the very essential point of wood service; I effectually dislodged the enemy from Fort George without a blow; and seeing me master of one communication they did not think it worth while to destroy the other. The great number of boats also, which must necessarily have been employed for the transport of the troops over Lake George were by this course spared for the transport of the provisions, artillery and ammunition. The success answered this reasoning in every point, for by the vigilance of general Phillips, to whom I had committed the important part of forwarding all the necessaries from Ticonderoga, a great embarkation arrived at Fort George on July 29th, I took possession of the country near Fort Edward on the same day, and independently of other advantages, I found myself much more forward in point of time than I could possibly have been by the other route.

Another material motive which could not be known by strangers who have reasoned upon this movement was, that during the time that my army was employed in clearing Wood Creek and cutting roads, and the corps under major general Phillips working to pass the transports over Lake George, I was enabled to detach a large corps to my left under major general Reidesel, and thereby assist my purpose of giving jealousy to Connecticut and keeping in check the whole country called the Hampshire Grants. It was at this time major general Reidesel conceived the purpose of mounting his regiment of dragoons. In the country he traversed during his detached command he found the people frightened and submissive. He was industrious and expert in procuring intelligence in parts of the country more remote than Bennington, and entertained no doubt of success, were an expedition formed under the command of lieut. col. Baum.

On the arrival of the army at Fort Edward the great object of attention was the transports from Fort George. The distance was about 16 miles, the roads wanting great repair, the weather unfavourable, the cattle and carriages scarce, part of the latter inconvenience was occasioned by the number of both that were necessarily detained at Ticonderoga, for the purpose of dragging the boats and the provisions over

the carrying-places between Lake Champlain and Lake George; another part of the inconvenience was caused by the unavoidable delays in bringing the different divisions of horses as they were collected in Canada through the desert, for such most of the country is, between St. John's and Ticonderoga.

It was soon found that in the situation of the transport service at that time, the army could barely be victualled from day to day, and that there was no prospect of establishing a magazine in due time for pursuing present advantages. The idea of the expedition to Bennington originated upon this difficulty combined with the intelligence reported by general Reidesel and with all I had otherwise received. I knew that Bennington was the great deposit of corn, flour, and store cattle; that it was guarded only by militia; and every day's account tended to confirm the persuasion of the loyalty of one description of the inhabitants and the panic of the other. Those who knew the country best were the most sanguine in this persuasion.

Had my intelligence been worse founded, I should not have hesitated to try this expedition with such troops, and under such instructions as I gave to the commanding officer, for so great a purpose as that of a supply sufficient to enable the army to follow at the heels of a broken and disconcerted enemy. The German troops employed were of the best I had of that nation; the number of British was small; but it was the select light corps of the army, composed of chosen men from all the regiments, and commanded by captain Fraser, one of the most distinguished officers in his line of service that ever I met with. The instructions recommended the utmost caution respecting posts and security of retreat, attention against exposing the solid part of the detachment to affront, or committing it in any instance, without a moral certainty of success. I touch with tenderness, and with great reluctance, points that relate to the dead. My defence compels me to say, my cautions were not observed, nor the reinforcement advanced with the alacrity I had a right to expect. The men who commanded in both instances were brave and experienced officers. I have ever imputed their failure partly to delusion in respect to the enemy, and partly to surprise, and consequent confusion in the troops.

For farther explanation of my motives,

and the circumstances attending the execution of the expedition, I beg leave to refer the committee to the letter laid before the House last year, and more particularly to the private letter laid before the House lately. The same letter will shew the only resource that remained for proceeding towards Albany, after the disappointment of this expedition, viz. to press forward a necessary supply of provision, and other indispensable articles, from Fort George. I shall bring proof to your bar to this point, and I trust I shall shew beyond a doubt, that no possible exertion was omitted. It is not uncommon for gentlemen, unacquainted with the peculiarities of the country to which I am alluding, to calculate the transport of magazines, by measuring the distance upon a map, and then applying the resources of carriage, as practised in other countries. I request permission to shew their mistake. The first stage from Fort George to Fort Edward is by land. The distance and the roads were described before. At Fort Edward the Hudson's river becomes navigable for a certain extent, and it is the constant practice in all transports to resume the water carriage. Were it not, new impediments would arise from hills, worse roads, and such an increased distance, as would prevent the cattle returning to Fort George the same day. About six miles below Fort Edward lie the falls of Fort Miller, where there is another carrying place, which, though of no considerable length, makes the necessity of unloading the boats, placing the contents in carts, and replacing them in fresh boats, at the place the river again admits of navigation. The boats unloaded, return to Fort Edward against a rapid stream.

Upon this short state of facts gentlemen will judge of our embarrassments. In the first place it was necessary to bring forward to Fort Edward four score or a hundred boats, as mere carriage vessels for the provision; each boat made a hard days work for six or more horses, including the return of the horses. At the next carrying place, as above described, it was necessary to place a considerable relay of horses to draw over, first, a portion of carriage boats, and afterwards the provision as it arrived. I have not mentioned the great number of other boats necessary to be brought forward, to form bridges, to carry baggage and ammunition, and the number of carriages framed to transport the boats themselves at the en-

suing carrying places, as we should proceed to Albany. This will be shewn in detail at the bar, if the committee chuse to hear it, and I pledge myself it will appear that the diligence in this service was extreme; that it was performed in the most expeditious manner possible, respectively to our resources, and that no delay was occasioned by the artillery, because the horses appropriated to it were super-numerary to those for which we had carts, and the artillery, not already with the army, at last was all brought up by its own horses in two days.

On the 13th of September the store of provision amounting to about thirty days consumption was completed. I have stated in my letter to the secretary of state, my reasons against proceeding with less quantity. And it is now time to enter upon the object of consideration, that is held by some to be conclusive upon the executive part of the campaign; the passage of the Hudson's River.

Two errors, respecting this passage, though of opposite and incompatible natures, are supposed to have contributed to the ill success that ensued; the one the error of delay, the other, that of precipitation. In defence against the first, I refer to my effort at Bennington to procure supplies, and to the impediments I have just now stated, after that effort failed. Against the latter, I refer to the reasons laid down in my private letter to the secretary of state, dated 20th of August. The state of things at this important crisis, and my reasoning upon it are expressed still more at large in my dispatch from Albany; I will now only touch them compendiously. On the one hand, my communications were at an end; my retreat was insecure; the enemy was collected in force; they were strongly posted: col. St. Leger was retiring from Fort Stanwix. These were dilemmas, but none of them insurmountable. On the other hand, I had dislodged the enemy repeatedly when before in force, and more strongly posted; my army was conscious of ascendancy; eager to advance; I expected co-operation; no letters from sir W. Howe removed that expectation. That to sir Guy Carleton had never weighed upon my mind; because it was dated early in April, and consequently long before the secretary of state's instructions, which I must have supposed to relate to co-operation, could be received. The letter of 17th July mentioned that general's return to my assistance, should Washing-

ton turn his force towards me; indicated as I thought an expectation of my arrival at Albany; and informed me that sir Henry Clinton was left at New-York, and would act as occurrences might direct; I did not know sir Henry Clinton's force. I did know that considerable reinforcement might be then expected at New-York from England. After all, should co-operation from below fail, the whole force of col. St. Leger, and sir W. Johnstone were to be expected from above, in time to facilitate a retreat, though not in time to assist my advance. Under these different suggestions and those that are more copiously stated in the dispatch to which I have referred, I read again my orders (I believe for a thousandth time) and I was decided. And I am still convinced that no proof that could have been brought from appearances, intelligence, or reasoning, could have justified me to my country, have saved me from the condemnation of my profession, or produced pardon within my own breast, had I not advanced and tried a battle with the enemy.

I will conclude this subject with again asserting, upon my honour, what I hope to support by evidence, though it is impossible to bring positive proof to a negative, that neither general Fraser, nor general Phillips ever offered, as has been reported, nor can be supposed to have conceived any objection against the passage of the Hudson's River.

This resolution being taken, I trust the manner of approaching the enemy, when explained by witnesses, will not be disgraceful to me as a soldier. The action which ensued on the 19th of September, verified the valour of my army, and I must in truth acknowledge a very respectable share of that quality in the army of the enemy. To the general description given in my dispatch, it will be fit to add by evidence the peculiar merits of the troops in that action. The honour of three British regiments in continual and close fire for four hours, all of them suffering considerable loss, and one remaining with less than 60 men, and 4 or 5 officers, ought not to lose its due applause because it is said their opponents were irregulars and militia.

A victory was at last obtained, but the close of the day unavoidably prevented any immediate advantages. On the day following it was known from prisoners and deserters, that the enemy were in a post strongly fortified, but from the thick-

ness of the wood it was impossible to catch a view of any part of their position. All that could be done, therefore, was to take up ground as near them as the nature of the country would admit, respectively to military arrangement. It appears from the dispatch already alluded to, that the army remained in this position till the 9th October, when the second action ensued, employed in fortifying their camp, and watching the enemy, whose numbers it was now known, had been greatly superior to ours at the action, and were daily increasing in militia.

It may here be asked why, as soon as it became palpable that no use could be made of the victory, I did not retreat? Gentlemen will recollect that on the second day after the action I received intelligence from sir H. Clinton, of his intention to attack the highlands about this time, and I was hourly in expectation, I trust a justly founded one, of that measure operating to dislodge Mr. Gates entirely, or to oblige him to detach a large portion of his force. Either of these cases would probably have opened my way to Albany. In these circumstances, could the preference upon these alternatives admit a moment's reflection? To wait so fair a prospect of effecting at last the great purpose of the campaign; or to put a victorious army under all the disadvantages of a beaten one, by a difficult and disgraceful retreat; relinquishing the long expected circumstance of co-operation in the very hour of its promise, and leaving sir H. Clinton's army, and probably sir W. Howe's exposed, with so much of the season of the campaign to run, to the whole force of Mr. Gates, after he should have seen me on the other side of Hudson's river. Some of the same considerations and other concomitant circumstances will, in part, serve to account for my not attacking the enemy during this interval; for in this situation as in former ones, my conduct has been arraigned upon opposite principles.

The committee will observe that after receiving intelligence of sir H. Clinton's design, different messengers were dispatched by different routes, to inform that officer of my situation, and the time I thought I could continue in it. To have hazarded a repulse in that suspense of a powerful diversion, would in my opinion, have been very unjustifiable; but when I add that from the backwardness or defection of the few Indians that remained, the

number of rifle-men, and other irregulars employed on the enemy's out-posts, and the strength and darkness of the surrounding woods, it had not yet been practicable to gain any competent knowledge of their position, I trust every man will go with me in the sentiment, that all these circumstances considered, an attack would have been consummate rashness.

Another very powerful reason that operated on the side of delay, was the state of my sick and wounded. Numbers of the latter were recovering fast; many excellent officers in particular; and the more I delayed the stronger I grew. The time also entitled me to expect lieut. col. St. Leger's corps would be arrived at Ticonderoga, and secret means had been long concerted to enable him to make an effort to join me with probability of success.

Upon mature consideration and after-knowledge of circumstances attending this period, I am clearly of opinion that had the reinforcements from England arrived in time, to have enabled sir H. Clinton to have effected the stroke he afterwards so greatly made in the highlands, any time between the two actions, I should have made my way.

The dispatch alluded to proceeds to state the reason that induced me to make the movement on the 7th of October. I shall only add, to obviate a supposed error in not advancing my whole line, that the part remaining in my camp operated as effectually to keep the enemy's right wing in check as if it had moved, with this additional advantage, that it prevented the danger of that wing advancing by the plain near the river and falling upon my rear.

I have reason to believe my disappointment on that day proceeded from an uncommon circumstance in the conduct of the enemy. Mr. Gates, as I have been informed, had determined to receive the attack in his lines; Mr. Arnold, who commanded on the left, foreseeing the danger of being turned, advanced without consultation with his general, and gave, instead of receiving battle. The stroke might have been fatal on his part had he failed. But confident I am, upon minute examination of the ground since, that had the other idea been pursued, I should in a few hours have gained a position, that in spite of the enemy's numbers, would have put them in my power.

Disagreeable as is the necessity, I must

here again, in justice to my own army, recur to the vigour and obstinacy with which they were fought by the enemy. A more determined perseverance than they shewed in the attack upon the lines, though they were finally repulsed by the corps under lord Balcarras, I believe, is not in any officer's experience. It will be the business of evidence to prove, that in the part where col. Breyman was killed, and the enemy penetrated, the mischief could not be repaired, nor under it the camp be longer tenable.

The transactions of the ensuing night, the day of the 8th, and the whole progress of the retreat to Saratoga, will be laid before the committee minutely in the course of my evidence, as well as every circumstance, from the time the army arrived there to the signing the convention. I have only to premise, that I trust I shall be able to prove to the satisfaction of the committee, that even in this situation, I had the chance of a favourable event. The enemy had intended to attack by the plain of Saratoga. On the morning of the 11th, a considerable column had actually passed the Fish Kill for that purpose during the fog, which at that season was regular till some time after sun-rise. The intention was prevented taking place, by intelligence one of their generals received from a deserter, that I had a line formed behind the brush-wood, to support the post of artillery, which was their immediate object of attack. The general instantly retreated his column, and prevented a general action, which my position, compared with the proposed one of the enemy, gave me reason to hope would have been to my advantage.

I have likewise a satisfactory confidence, that I shall demonstrate that the intelligence I stated to the councils of war, respecting the strength of the enemy, did not fall short in any part, and in some parts much exceeded my own belief, particularly on the only possible routes of my retreat; and that those posts were not taken up during my stay at Saratoga, as has been reported, but some of them previous to the action of the 7th, and the rest immediately after it.

I shall close the whole of this by delivering at your table, from the hands of my secretary, an authenticated return of the force of general Gates, signed by himself, and the truth of it will be supported from ocular testimony, by every officer of the British army. Many of them are now

in England, and after what has been insinuated, not to say charged, in this House, it becomes the duty of the accusers, not only to examine closely the officers I have called, but to produce any other witnesses; that in their thoughts may be qualified to speak to the good or bad order of the rebel troops, when they marched by in their presence, and to their behaviour, when opposed to our troops in action.

I cannot close this long trespass upon the patience of the committee, without expressing one humble hope, that in forming a judgment upon the whole, or any distinct part of these transactions, they will be considered as they must have appeared at the time; for I believe, where war is concerned, few men in command would stand acquitted, if any after-knowledge of facts and circumstances were brought in argument against decisions of the moment, and apparent exigencies of the occasion.

I submit all I have said, some of it, I fear, not sufficiently prepared or arranged, with true respect to the committee. I shall not mention all the disadvantages under which I have pressed this business upon their attention. I have cause to regret the absence of a most confidential friend in major general Phillips; zealous advocates, I trust, in major general Reidesel and brigadier Hamilton. Much of my vindication is in the grave with general Fraser, much with col. Ackland your late member. I trust my zeal in promoting this enquiry, as I have done, will be one mark of the sense I bear of the general character of this House; that however men may be biassed by political attachments upon common occasions, when the honour of an individual is committed to their hands, they will alone be guided by truth and justice. And the next inference I should wish to be drawn, from my earnestness for a public appeal, is this; that however sensible I may be of errors in conduct, I am conscious of no failure in the rectitude of my intentions.

The officers examined on the part of general Burgoyne were sir Guy Carleton, then governor of Quebec; captain Money, acting quarter master general; the earl of Harrington; major Forbes; captain Bloomfield of the artillery; and lieutenant colonel Kingston, adjutant general; all of whom, excepting the first, were present during the whole campaign, and eminent partakers in all the unparalleled difficul-

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ties, distresses, and dangers of the northern expedition. The evidence was unusually clear, plain, accurate, and direct to its matter. It went uniformly to place the character of general Burgoyne in a very high point of view, whether considered as a man, a soldier, or the leader of an army in the most trying and perilous service. That he possessed the confidence and affection of his army in so extraordinary a degree, that no loss or misfortune could shake the one, nor distress or affliction weaken the other. It established an instance, so far as it could be conclusive, (and a close cross-examination was not able to weaken it) perhaps unequalled in military history; that during so long and continued a scene of unceasing fatigue, hardship, danger, and distress, finally ending in general ruin and captivity, not a single voice was heard through the army to upbraid, censure or blame their general; and that at length, when all their courage and efforts were found ineffectual, and every hope totally cut off, they were still willing to perish along with him. This evidence went also, so far as from its nature it was capable of doing, to the direct overthrow or removal of every charge or censure which had been thrown out, or insinuated, against the conduct of the commander; leaving, however, the question of opinion necessarily open, whether his orders for proceeding to Albany were peremptory or conditional; and, perhaps, leaving likewise some doubts behind, with respect both to the design and to the mode of conducting the expedition under colonel Baume, to Bennington. In other matters it seems conclusive; and particularly detects two falsehoods, at the beginning of this enquiry in full credit and vigour; the one, that general Phillips, at the time of the convention, offered to force his way, with a specified part of the army, from Saratoga, back to Ticonderoga; the other, that the late gallant general Frazer had expressed the utmost disapprobation to the measure of passing the Hudson's River. The witnesses were generally of opinion, from what they saw and heard of the temper and language of the troops, that nothing less than the passing of that river, and advancing to fight the enemy, could have satisfied the army, or preserved the general's character with it; and that even, after all the misfortunes that happened, it was still universally considered as a matter of necessity which he could not have avoided; or which, if he had, that it would have been such a failure as he never could have

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forgiven to himself, nor been able to justify to his country. Their testimony was likewise fully and decisively to the subversion of the injurious slander, relative to a supposed natural deficiency of spirit which they attributed to the Americans. Fully masters and judges of the subject, and possessing sentiments more liberal and generous, these officers scorned to depreciate the character of an enemy, from any resentment for his fair hostility; and declared freely, that the Americans shewed a resolution, perseverance, and even obstinacy in action, which rendered them by no means unworthy of a contest with the brave troops to whom they were opposed. Written evidence was also produced, and supported, that the number of the rebel army, at the time of the surrender, amounted to 19,000 men, of which 13 or 14,000 were men actually carrying muskets.

June 8. The examination of general Burgoyne's evidence being closed,

Lord *George Germain* rose to open the evidence in favour of administration. He begged the committee would understand that his object was by no means to accuse any gentleman, but to defend ministers and himself from the reflections thrown out against them for their management of the American war. The evidence of general Gray, if not overturned, would certainly bear hard against administration; but he trusted that when gentlemen would consider that the general had been only one year and five months in America, and that he had seen no more of the country than what lies between the head of Elk and Philadelphia, and between that city and New York, they would be of opinion that however high general Gray stood in his military profession, and no officer stood higher, he had certainly formed a very light and hasty judgment of the people. Gentlemen would believe his opinion of the unanimity of America rather hastily founded, when he should produce evidence to prove that a very considerable part, if not a majority of the Americans, were friends to Great Britain. This would appear the more striking, when the committee should find that there were actually regimented in our service, more Americans than were to be found at present under the rebel commander in chief. The committee would receive farther light upon that point, by proofs that we can raise men in America for five or six dollars a piece,

while the Congress could not get recruits under 266. The evidence he had to produce, not having been very lately in America, could not prove the latter sum to be the sum given in their time in America; it was then somewhat short of it; but the last dispatches he had received, made the bounty given by the Congress to recruits, amount to 75*l.* sterling. Evidence would be brought to prove, by presumption, the disaffection of the people to their new government; from this circumstance, though Congress had once expected to take the field with 50,000 men, and had actually voted that number; yet they had never been able to muster more than 20,000 in one army.

With regard to the adequacy of the force sent out, his lordship had no doubt about it: the force in his opinion had been adequate, not to the reduction of America united against us, for such a reduction would be impossible, but to the reduction of rebellion. He had said once before, and repeated it, that he did not understand the object of the southern expedition by the capes of Virginia. If the general had landed in the Delaware at Newcastle, and his favourite route to Philadelphia had been by the head of the Elk, he would have had, by landing at Newcastle, a fine and short road to Philadelphia; the general's reason for not landing there, viz. that the enemy was in force at Wilmington, he would prove to be chimerical, for he should demonstrate to the committee, that there was no enemy in force within fourscore miles of Newcastle; so that sir Andrew Hammond must have been misinformed at least with respect to the land force. Another thing he had to observe relative to sir W. Howe, was his not having made a diversion in the Massachusetts; he certainly could have spared 3,000 men for that purpose, for he required only 11,000 rank and file, for the expedition, and had full 14,000 at the battle of the Brandywine, while Washington had no more than 10,000. Sir William, indeed, had said truly, that the rebel army consisted of 15,000 men, but in these were included the drivers, sutlers, &c. and he had evidence who could prove the number of effective fighting men in Washington's army in that battle, amounted to no more than 10,000. If a diversion had been made in the Massachusetts, general Gates never would have been able to have mustered the army with which he had forced general Burgoyne to surrender.

With regard to the northern expedition, he thought it highly justifiable, from the nature of the service, which had made the French undertake quite a similar one in the last war; and as to its practicability, the general himself in whose hands it failed, had never entertained a doubt about it until the unfortunate affair at Bennington, from which he dated all the disasters that befel our northern army. Every fort where opposition could be expected had been taken; nay the general himself, when he detached colonel Baum, had given him directions to meet him at Albany; so sure he was of the practicability of the march: unfortunately, he changed his opinion; ordered colonel Baum to Bennington, a march of 150 miles, the detachment was cut off; the enemy, by our delays in bringing up immense trains of artillery, and a great suite of provision waggons, was suffered to grow stronger; for when Gates went to take upon him the command of the rebel army, it consisted of no more than 2,500; but by our delays it was suffered to increase to 18,000. His lordship assured the committee he had advanced nothing, which he thought he was not able to prove, and concluded by moving that general Robertson be called in.

The only witnesses, which it was thought expedient or necessary to examine on this side, of those whose names we have stated, were major general Robertson, deputy governor of New York; and Mr. Joseph Galloway. None of the officers ordered to attend, except the general above-mentioned, were called upon. Mr. Galloway had been an American lawyer, and a member of the first Congress; and was one of those that had come over to sir William Howe at the time when the rebel cause seemed nearly ruined, by his great successes at New York, and Long Island, towards the close of the year 1776. The general tendency of this evidence was to overthrow, invalidate, or weaken, the testimony already given in favour of the commanders. And the points which it principally laboured to establish for that purpose, and for the vindication of the ministers, were the following. The vast majority, who, from principle and disposition, were zealously attached to the government of this country, and consequently enemies to the conduct and tyranny of the ruling powers; this was rated by the first witness at two-thirds, and by the second at four-fifths, of the

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whole people on that continent. That if a proper use had been made of this favourable disposition of the multitude, it might have been directed to such essential purposes as would have brought the war to a speedy and happy conclusion. That the force sent out from this country was fully competent to the attainment of its object, by the total reduction of the rebellion, and the consequent recovery of the colonies. That the country of America was not in its nature particularly strong, much less impracticable, with respect to military operations. That the face of a country being covered with wood, afforded no impediment to the march of an army in as many columns as they pleased. That the British troops possessed a greater superiority over the Americans, in their own favourite mode of bush-fighting, and the detached service in woods, than in any other whatever. That armies might carry nineteen days provision on their backs, and consequently need not be deterred from the undertaking of expeditions through the want of those means of conveyance which are now deemed indispensable. That the rebel force, both with respect to number and to effective strength, was, at the most interesting periods, if not always, much inferior to what was represented. And to a general condemnation of the southern expedition, along with an endeavour to shew the great advantages which would have resulted in that campaign, if sir William Howe had taken possession of the North River, and directed his operations towards Albany. Several other more direct charges or accusations were brought against the military conduct of the brother commanders, which were chiefly undertaken by Mr. Galloway. Particularly with respect to the going round by the Chesapeake, instead of up the Delaware, on the southern expedition; the want of sufficient dispatch and vigour in the pursuit of the rebels from Brunswick across the Jerseys, in the year 1776, to which their escape was attributed; the not cutting off Washington at Trenton, before he could cross the river, which was contended to be practicable; and the not passing the Delaware, and proceeding to Philadelphia at that time, which, it was asserted, would have put an end to the war; along with a number of other matters tending to the same purpose.

June 24. Lord North rose, and gave

notice that his intention was to move that the House be adjourned to the 29th.

Sir *William Howe* thereupon said, he hoped to have been indulged with an opportunity of defending himself from the attacks made upon his character by Mr. Galloway's evidence; that he had witnesses to call to controvert the opinions of that gentleman, or rather those opinions he had imbibed from others, for that he was persuaded was the case; and that it would not be acting fairly by him, unless he had a day given him for this purpose.

Lord *G. Germain* said he was very far from wishing to deny the hon. gentleman an opportunity of removing the effect of any part of the evidence given by the witnesses called by him, which he thought prejudicial to his character.

Mr. *Byng* complained of the enquiry being conducted unfairly. He said his worthy friend, the hon. general near him, had stated, that part of Mr. Galloway's evidence affected his credit with the public, and his honour as an officer; that his request was of that nature that it ought to be complied with; and if the hon. general was refused a requisition every way so proper, he should, when he left the House, declare, that in the case of the hon. general there was a denial of justice.

Sir *Richard Sutton* declared that the hon. general had been indulged with as much candour as possible. That, on the last day of the committee's sitting, he himself forbore to ask a great number of questions, which he had designed to put to the witness, merely to give the hon. general more scope for his cross-examination. At the time he did so, he stated his reasons, and the hon. general neglected to embrace the opportunity, and gave way to another gentleman, who got hold of the witness, and kept him under examination a considerable time; and therefore there was not the smallest ground of complaint of a denial of justice.

Lord *Howe* begged the hon. gentleman who spoke last to recollect, that though the general did not, as the hon. gentleman had phrased it, embrace the opportunity of entering upon the cross-examination of Mr. Galloway, because he had said he would forbear some questions that he meant to put; he was repeatedly desired to ask every question that he thought proper, and told that it was the wish, both of the general and himself, that the truth should be fully investigated, and that every

gentleman of the committee should ask as many questions as he chose, only they had begged that a witness might be left to one gentleman at a time, and his examination ended before another gentleman began with him; and this request they had made for the sake of accuracy and expedition. His lordship further observed, that it doubtless would be remembered by the House what he had said of Mr. Galloway, previous to his examination; he begged leave to recall that opinion, because he had changed it: he had stated to the House that he thought Mr. Galloway a man of honour; he really now thought of him very differently, not because Mr. Galloway's evidence was adverse to the general and to himself; very far from it; on that account he felt no resentment. The reason why he no longer thought Mr. Galloway a man of honour was, because it appeared, from his evidence, that he had divulged a matter in America, which he had in the fulness of confidence imparted to him. With regard to what he had said respecting the general's conduct and his own, he freely forgave him; he regarded him in the light of Shakespeare's apothecary, "his poverty, but not his will, consented." He could only, therefore, lament that he had such hard task-masters, that they, among other restrictions imposed on him, restrained him from speaking truth. His lordship concluded with declaring, that if the general and he were denied an opportunity of calling evidence to refute what Mr. Galloway had said, it was needless for him to give himself any farther trouble about the enquiry.

Lord *G. Germain* declared he did not understand what the noble lord meant by the word task-masters; if the noble lord pointed at him, he was totally wrong; he had no influence over Mr. Galloway, neither had he attempted to exert any; he had not lately talked with Mr. Galloway; he had heard indeed of the same facts which Mr. Galloway had stated at the bar, a long while ago; he had heard them in general conversation from Mr. Galloway, he knew, therefore, he was in possession of them. [Upon colonel Barré's smiling, and lord Howe's saying, "I believe you did,"] lord George declared, he meant to tell the House the truth honestly and fairly. That it was his duty to see every American gentleman who came to this country for refuge; that he had seen them all, and he had conversed with them on the subject of American affairs very fully;

had he not done so, he should have been guilty of criminal neglect. When he first saw Mr. Galloway, he held this sort of conversation with him, but he had no particular connection with him since; nay, he did not even know what stipend Mr. Galloway received from the treasury; he knew he received some income, but he had never enquired what the amount of that income was.

Colonel Barré declared, he verily believed what the noble lord had said; but he could not help expressing his surprise at the noble lord's ignorance of what Mr. Galloway was paid yearly by the treasury; he should have thought that the noble lord was the minister most likely to be the best judge of Mr. Galloway's pension. Having said this, he defended sir W. Howe against the avowed intention of closing the enquiry next Tuesday, and adjourning the House to that day, so that there could not possibly be time for the hon. general to call his witnesses. An hon. gentleman over the way had said, that he forbore to pursue his string of questions to Mr. Galloway, on purpose to afford the hon. general an opportunity of cross-examination, which opportunity it was now a matter of complaint that his hon. friend neglected to embrace. He would take upon him to tell the hon. gentleman, that his hon. friend would not at all cross-examine Mr. Galloway. Mr. Galloway's evidence had been of such a sort, that his hon. friend, he was sure, would not condescend to reap any advantage that he could derive from such a witness as Mr. Galloway. Indeed, to say the truth, the best way that his hon. friend could follow, would be to give himself no more trouble about the enquiry; because what justice could he expect from the examination in which the witnesses had been tampered with? This declaration creating some surprise, the colonel slapped his hand on the trunk on the table, and with a stronger emphasis repeated the expression, that the witnesses had been tampered with. He added, that he scorned to convey severe charges in loose words, or to aim an injury indirectly or by insinuation; he would come to the point, and state the grounds on which he rested his assertion. Possibly it might turn out that he had been misinformed; he should be glad to hear he had. If the noble lord would give himself the trouble to reply, he would thank him: he knew the noble lord to be a man of honour, and he was perfectly

convinced the noble lord was above a falsehood, especially in any matter that concerned his own character. If the noble lord could refute what he was about to say, he should be ready to acknowledge his error. What he alluded to was this—An officer of high reputation, an engineer now in the service, colonel Dixon, was summoned to the bar of that House, as a witness on the enquiry then in question. Colonel Dixon was sent to [lord George Germain said, "Never by me." Mr. De Grey, who sat on the seat behind lord George, instantly said, "I sent to him." The Speaker called to order, and the colonel went on] Colonel Dixon, feeling like a man of honour, did not go to the office of the American secretary, whence he had been sent to. He then received a note, earnestly pressing him either to come to the office, or to suffer himself to be waited on, in order to talk over the American business. He wrote word, in reply, that he felt himself particularly circumstanced; that he was to be examined as a witness, and he thought it improper to converse at all upon the subject, previous to his examination; he begged therefore to be excused coming. Some time afterwards he received notice that there was no occasion for him to continue in town, for that his examination would be dispensed with. This, the colonel said, was the story he had heard; at the same time, however, that he mentioned it, he begged leave to say, that he had no acquaintance with colonel Dixon; he supped with the colonel formerly at Quebec, 22 years ago, and from that time to the present he had no intercourse whatever with him. If the story was ill founded, he repeated that he should be glad to hear it set right. He was ready to give the noble lord credit for his denial of having acted in an improper manner respecting the circumstance: and as there was not a man in the House, whose character he had a greater respect for, than that of the hon. gentleman who had said that he sent to colonel Dixon, he was sure he should receive a satisfactory explanation.

Lord G. Germain declared, that the first he heard of the story in question was the account that reached him of what had been said upon the subject in the House of Lords on the 17th by the earl of Shelburne. That he immediately made an enquiry into the fact, and then, for the first time, learnt that the hon. gentleman behind him had sent to the colonel. That he

had taken no part in the matter either one way or another; and that the noble earl who had attacked him in the other House upon it, in very harsh terms (how decent they might be he did not know, but perhaps they were fit for that assembly and consonant to the customs of it) was beforehand with him in being acquainted with it. All he knew respecting col. Dixon was this, that he wrote a letter, stating that he had come a long journey, as he was in the service at Plymouth; that his being examined was a matter of great inconvenience, and very far from being pleasant to him; and that he begged to be examined as early as possible. That he afterwards attended one day, and left word that he had done so with the door-keeper of that House. That he at another time, by a third person, signified his wish, if he were to be examined, that it might be soon, as the service at Plymouth was materially prejudiced by his absence. Upon these intimations, and foreseeing from the length of time that the examination of each witness called took up, that it would be impossible to examine all he had caused to be summoned, before the House rose, added to his intention not to question to military points, and to his recollection that other officers could speak to the same topics which he meant to propose to col. Dixon, his lordship said, he gave directions that the colonel might be informed that his examination would be dispensed with. This, and this alone, his lordship declared, was the reason of his letting him know he would not be wanted as a witness; and surely if gentlemen considered that he had, as yet, called but two witnesses; that one of the two had taken up three whole days, and the other was likely to take up two or three, when he ordered colonel Dixon to be wrote to, added to his declaration that his absence was prejudicial to the service at Plymouth, they would not think there was any thing very censurable in his dispensing with the colonel's farther attendance.

Mr. *De Grey* desired to preface what he should say upon the subject, with declaring, that if there was blame due to any person for the notes sent to col. Dixon, he and he only merited that blame. The fact was this, having occasion to summon a variety of officers to attend as witnesses upon the enquiry, most of whom he did not know, and many of whom he had never seen; he had, when the enquiry came on, thought it due from him as a matter of ci-

vility to see each, in order to converse with them on the subject of American affairs, and to state to them what questions he should propound to them; among others he sent a note to col. Dixon; the colonel did not come, but wrote an answer, begging, from motives of delicacy, to decline the interview. The answer was far from uncivil in any point; it did not hint at his having done wrong in desiring to see the colonel, and he should hold himself guilty of a baseness, beyond all hopes of pardon, if he could have offered so gross an insult to an officer, as to have attempted, in any degree, to tamper with him as an evidence; much more should he have been ashamed of insulting an officer of such high character as col. Dixon bore, by any improper attempt to warp his integrity as a witness. He declared he gave the colonel credit for that delicacy of feeling, which prevented his agreeing to the interview; at the same time, however, he was not conscious of having acted improperly in inviting him. He had fairly stated the fact to the House, and he was ready to submit his conduct to their judgment, convinced of their candour, and conscious that they would not presume a bad intention, where there really was none. With regard to what his noble friend had said upon the subject, it was exactly as he had mentioned the matter. Col. Dixon had written to complain of his long journey, of the prejudice the service would receive from his absence, of his objection to be examined at all, and of his desire to be examined as early as possible, if his examination were indispensable. His noble friend, before he knew of the correspondence that had passed between him and col. Dixon, finding that he could dispense with the colonel's examination, had given directions that he should have notice that he might return to Plymouth.

Colonel *Barré* said he was perfectly convinced that the fact was exactly as it had been stated by the hon. gentleman; he appealed, however, to the House, whether he was not justified in all he had said respecting it, although it had appeared, that instead of the matter lying at the noble lord's door, it was ascribable to the zeal of the hon. gentleman. He did not wonder at the hon. gentleman's zeal carrying him a little too far, as it had done on the occasion in question. His zeal for his noble friend nevertheless did him the highest honour, and would do honour to any man. He then declared, that though

he knew general Grey intimately, he had shunned conversing with him on the subject. To another officer who had been summoned, but who was not examined, he had only desired him to prepare himself with firmness against he came to the bar; told him that he was going upon a service of danger, that he knew he was a man of honour, and that he would speak his real sentiments, to which he left him. The noble lord had mentioned what the earl of Shelburne had said in another assembly, and had declared, that he mentioned the affair of col. Dixon in harsh terms, how decent they were he knew not, but he supposed they were fit for that assembly. In answer to this, he had only to say, this was not parliamentary language; that the other assembly knew what terms were decent, and best knew what terms were fit for itself. If the noble lord thought the terms too harsh, he referred him to the earl of Shelburne for an explanation.—The colonel then went into a general attack of administration, confining himself, however, in a great degree to two charges, which were, the interposition of lawyers in military affairs, and the ministry's refusal of the regiments, which had been offered government. Upon the latter subject, he asked why administration had refused young Rutland's offer? He used the term refused, because he considered their answer as a rejection. The duke of Rutland had made a noble, he had made a princely offer! he had offered to lay down 12,000*l*, to raise a regiment of cavalry, or infantry, whichever government chose, and made no stipulation for himself; he had indeed declared, that if government thought it advisable that he should bear a commission in the corps, he was ready to accept it *honoris causa*, and to give weight and efficacy to the scheme; his only conditions were, that he should name his colonel, his lieutenant-colonel and his major. For the first he named an old officer, col. St. Leger; that was agreed to. For the second, the duke named an officer in the guards (captain Stanhope) whose brother was at this time raising a regiment for government. This was refused. It was said it could not be; that for upwards of 20 years no officer in the guards had been admitted to rise to rank in the line; the last example was sir William Draper. For the third, the duke, being unfortunately prepossessed in favour of a name, which many men were weak enough to think this country ought to revere and admire, had

nominated the earl of Chatham. To this also there was an objection. The colonel grounded much censure of ministry upon their conduct in this instance, and asked which of the number of persons who sat on the other side of the House, who enjoyed lucrative sinecures, and who had put from 50 to 150,000*l*. in their pockets by their court connections, had made an offer to advance a shilling or to raise a man to assist their country in this crisis. He warned them that they must stand forward, and that the sooner they did it, the better for their own credit.—He then complained of lawyers taking the lead in politics. He said, we had now many learned generals; the Chief Justice of the King's Bench, the Attorney General, the Solicitor General (though he owned he liked his politics, they were manly and noble, that general having declared he would impeach the minister that should dare to employ sir Hugh Palliser), the Lord Advocate of Scotland, and he had like to have forgot him—the Counsel of the Board of Ordnance. These took the lead on all military points. The Chief Justice was a great general; he had led us over the Rubicon; he had planned the American war; directed the campaigns, and found fresh stores and fresh magazines; and now he was busily employed in planning the defence of that kingdom, which was reduced to the last gasp of existence; and through what?—through the military manœuvres of lawyers! lawyers! lawyers!—Having worked himself up into some warmth in the preceding sentence, the colonel in a short time recovered his temper, and was extremely pleasant in the remainder of his speech, which was by no means an ill-supported laugh at the expence of the Attorney General. He ridiculed the learned gentleman for his answer to Mr. Fox the preceding day, about the offer of the regiments, about his defending the detaching admiral Arbuthnot to America, and admiral Hughes to the East Indies; and about his anecdote of major Humphries, and his grandfather, general Webb. He said, to be sure general Webb's gallantry against Le Motte, in Flanders, did him the highest honour, and reflected some lustre on his grandson; but could nothing be said in favour of Mr. Stanley's ancestors? There was an old woman, a countess of Derby, who many years since very bravely defended her castle; would that do nothing to balance the story of general Webb? With

regard to admiral Hughes's going to the East Indies, the learned general had triumphantly asked, was nothing to be done in the East Indies after the capture of Pondicherry? He really wished to know what was? He saw no East India gentleman to ask. [Looking round, and espying Mr. Walsh behind him, he said, O yes, there was one. Pray could he tell me? Mr. Walsh said, the Havannah may be attacked at least; I hope, Sir, it may be conquered.] The Havannah! True, but the Havannah cost us dearly last war. The colonel then went on to sport with Mr. Attorney's speech, and advised him to read the accounts of the military operations in queen Elizabeth's reign before he spoke with confidence on the present military state of affairs.

Sir *William Howe* then stated what had been the treatment of Mr. Galloway when he joined the army in America, and his appointments; declaring he first paid him 200*l.* a year, and afterwards, at Philadelphia, appointed him to an office in which he received 650*l.* a year. After enlarging upon this, sir William concluded with declaring, he should think himself very hardly treated, if he was refused an opportunity of calling a witness or two to answer what Mr. Galloway had declared at the bar.

The *Attorney General* turned the laugh upon col. Barré with good humour. He confessed, that attempting to recite anecdotes, or tell stories, in that House, was encroaching on the right of which the colonel had long held the monopoly. He declared it was the first time he had been detected poaching on the colonel's manor, that he served him right to take his gun from him, and he assured him he never would pursue his game again. After pushing the laugh as far as it would go, he half seriously asked if no man was to talk of military affairs in that House but military men? Perhaps there were ranks of even the military proscribed from touching the hallowed theme. Were general officers the only persons qualified to speak upon military topics in that assembly? Might a lieutenant-general, a major-general, might a colonel, might a subaltern touch upon them? He wished to settle a cartel with the colonel (if using the word cartel was not too much en militaire for him to step) and to adjust the proceedings of the House in future. After beginning with a ridicule, growing half serious, and at last perfectly so, Mr. Attorney General concluded.

The order for the committee on the Conduct of the American War was discharged; and another order was made for the committee to sit on the 29th.

June 29. The order of the day was, to go into a Committee on the Conduct of the American War; but sir William Howe not being present, Mr. Whitworth said, it was not fair to go into an examination of evidence in the absence of the general, especially as such evidence related to his conduct; and therefore moved to adjourn. The motion was carried without any debate. Thus the Committee expired.

June 30. Sir *W. Meredith* took notice of the sudden manner in which the Committee had been dissolved the day before, without coming to any resolution. He would not make any motion, as he found it was the sense of the House to go no farther into the business; but as the general and his noble brother were present, he thought if they had any thing to offer, the House should now hear them.

Sir *William Howe* said, that he was exceedingly surprized to find, on coming down to the House, the day before, that because he was not in his place, the House had been adjourned. He came down to the House by four o'clock, and had he conceived that his presence was necessary in the examination of Mr. Galloway, he would certainly have attended earlier. He did not mean to ask that gentleman any questions—he would not ask him any—and there being still many witnesses to examine on the part of ministry, he did not think that his absence for a quarter of an hour could have been any reason for breaking up the committee. He wished to have brought evidence to contradict the facts asserted by Mr. Galloway, particularly that part of his conduct respecting the general's conduct to the magistrates of Philadelphia. As it was, he called upon the minister for the American department to clear up his character, by telling the House if he had any thing to lay to the charge of himself or his brother; for now was the time, if he had collected any criminality of conduct from the evidence at the bar, to declare, and not to let the House rise with the idea of hidden imputations, which made it improper for them to be employed in the service of their country.

Lord Howe called upon the minister in

the same manner, for the benefit of the sea and land service, to declare his reasons, if he had any, why his Majesty's ministers had withdrawn their confidence from himself and his brother: if they had done any thing that rendered them incapable of serving their country, or if he intended any future charge against them, he desired it might be declared; or if not, that all imputations might be wiped away, by his avowal that he had no accusation against them. While imputations rested on their characters unrefuted, it was not possible for them to enjoy the confidence of their country; it was not possible for them to act in its defence. He lamented, exceedingly, the effects of such treatment. Officers would see cause for apprehension, and would feel themselves unsafe in the service, if ministers failed to protect the honour of the men they employed; if they listened to private attacks; if they encouraged private aspersions. It is the duty of ministers to protect their officers to a certain extent, and not to reduce them to the melancholy necessity of weighing matters, in every extremity, with all the circumspection necessary to self-defence. If they do not do this, and if they should be suspected of giving ear to imputations suggested by inferiors; if an idea should prevail in the minds of men near to the persons of officers in command, that there are surer roads to favour, than obedience to command; if it should be suggested, that there are higher authorities whom men ought to have in their eyes, and to oblige rather than the generals in command; if these suggestions should prevail in our fleets and armies, what officer would think himself safe to serve, and what must be the consequence to this country?

Earl *Nugent* gave it as his opinion, that no charge was ever intended from the beginning of this enquiry to the end; that the general and his brother, so far from being blamed, had the approbation of their sovereign, and of all rational men within the House and out of it. He declared that no confidence was withdrawn from them, and told them, if they would offer their services, he was certain they would be accepted.

Mr. *T. Townshend* said, he accepted this fair declaration in favour of his worthy friends, and desired it might be remembered, that all insinuations, and all imputation on the characters of those brave commanders, were treated with the

contempt they deserved by the friends of the ministry. He highly approved of sir *William Howe's* resolution to ask no questions of Mr. *Galloway*—a man who remembered every military manœuvre that had, as well as those which had not, taken place; but who recollected nothing of his own conduct in the American Congress—remembered no votes he gave there—remembered not even on what conditions he held his pension—nay, who remembered not whether he held it for life, or during pleasure;—a man of such a memory was very improper, in his opinion, to be asked questions. He hoped it would be remembered, that that enquiry was concluded at a time when the movers and objects of it were absent; that it was concluded without any propositions being drawn from it; and that ministers were silent when two of the greatest officers said there were imputations thrown upon their conduct, which prevented them from serving their country, and yet were denied the justice of refuting them.

Mr. *Dunning* said, he rose with astonishment, and should sit down with it, if the minister for the American department remained silent; for though the noble lord, his friend, had delivered his opinion, which was that of the people of England, that the general and his noble brother deserve the warmest praises of their country, he should think that minister culpable, and deserving severe punishment, who would not openly acknowledge it; neither could he expect that under such circumstances the general or his brother could offer their services to their country, while that administration continued.

Not one of the ministers said a word: and thus the Enquiry was put an end to, without coming to a single Resolution upon any part of the business.

Debate on the Budget.] May 31. The House being in a Committee of Ways and Means,

Lord *North* began by recapitulating that by the Budget in February last, the supply voted was 11,905,000*l.* and a fraction: that the ways and means on that day were land and malt annual, 2,750,000*l.* and the loan 7,000,000*l.* total 9,750,000*l.* By his second budget in March, the taxes upon chaises travelling post; by a surcharge of 5 per cent. on the revenues of customs and excises; and by the stamp duties intended to supply the deficiencies of the duties on leather, soap, and can-

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dles; the interest to be paid on these 7,000,000*l.* amounting to 472,000*l.* per annum, were provided for. This day was the tail of the Budget, or a general account of debtor and creditor. Supply already voted, 11,905,000*l.* army extraordinaries, &c. stated Feb. 24, 3,197,000*l.* and votes not stated then, but since passed, 110,000*l.* in all 15,200,000*l.* and a fraction. The difference to be still provided for, or excess of supply, was 5,400,000*l.* To make up this difference, he would charge the sinking fund with 2,000,000*l.* Here his lordship entered into an account of the sinking fund, and the deficiency of the house and servants' tax of last year. He would take it only at 2,000,000*l.* for the three quarters, ending at Christmas, though he believed he should be obliged to anticipate part of the spring quarter. The 700,000*l.* deficiency of last year, occasioned by the house and servants tax chiefly, was made up out of the quarter ending at Lady-day, after which there remained a surplus of 71,000*l.* To pay off the exchequer bills, of last year, he meant to circulate bills to the same amount of 1,500,000*l.* and 500,000*l.* to pay the lottery prizes, after which there would still remain a surplus unprovided for, or deficiency of ways and means, of 1,400,000*l.* The million and a half exchequer bills had been long in circulation; the half million to pay the lottery prizes of last year would not glut the market; and the Bank, which on all occasions shewed a disposition to oblige government when in their power, would circulate the half million without any additional expence to the nation. The 1,400,000*l.* would still remain to be provided for, which he expected to receive from the East India Company for the renewal of their charter; but that had been deferred till the next session. He had to lament that no part of the navy debt could be paid off in the course of the present year; but that was owing to the refusal of the persons who negotiated the loan to lend the other million. The loan turned out beyond expectation. He would not say that the original subscribers received the benefit entirely, but it was plain that it was a very advantageous bargain to those concerned in it, or those who held the subscription when the stock rose. It was an unfortunate circumstance, that the subscribers to the preceding loan were so great sufferers; but that was balanced by the pleasing prospect, that money would be had the next year with

greater facility, and upon better terms. There were, besides, good grounds for this expectation. The territorial revenues of India gave the nation a right to expect an equivalent; and in a year or two more 200,000*l.* per annum would fall into and augment the sinking fund, on the ceasing of the one per cent. annuities granted during the late war; so that on the whole he had every reason to expect money would be had the next year upon good terms, without laying any additional burthens on the public. His lordship wound up a detail of an hour and twenty minutes, with stating a surplus on the whole of an excess of 71,000*l.* of ways and means to the supply.

Mr. *Hartley* observed, that although the noble lord stated the debtor and creditor of his budget at 15 millions and a fraction, it was little short of 20. There would be a million vote of credit; the navy debt had increased within the last year 2,300,000*l.* and it was estimating extraordinary services very low, to rate them at a million and a half; he meant such as were not, nor could not be properly brought to account within the year. He mentioned the unfunded debt; the exchequer bills in course, he said, were 1,500,000*l.* there were 500,000*l.* intended to be circulated to supply those issued last year; 1,000,000*l.* new vote of credit; upwards of 5,000,000*l.* navy debt; 1,400,000*l.* more proposed to be circulated by the present resolution; the whole amounted to nearly 11,000,000*l.* If the war was to terminate at the end of the present year, he believed it would not be too high a calculation to say, that the cost of it would amount to 10,000,000*l.* more. The extraordinaries of the last war, or the sums left unprovided for, were 10,000,000*l.* but supposing they should only be 5,000,000*l.* the unfunded debt left floating in the market would amount at least to 16,000,000*l.* a monstrous sum indeed, if to it were added the funded debt already contracted, the produce of the sinking fund for the four last years, and an additional expence of 10,000,000*l.* for the next campaign, should not a peace be agreed upon in the interim! indeed if it were, the greater part of the expence must be unavoidably incurred. He then stated the naval force of France, and said, it was nearly equal to that of Great Britain, in the Channel and America; and contended, that Spain held the balance in her hand, and that her weight would preponderate

the scale in favour of whichever party she espoused. He affirmed, that we held the empire of the ocean but at the will and pleasure of the House of Bourbon; that considering how nearly equal France and Great Britain were at sea, 40 ships of the line which Spain had ready in her ports, would give a decisive superiority against England, both in Europe and the West Indies. He was proceeding further in this argument, but was called to order by

Earl *Nugent*, who said, he would never sit silent and hear it asserted, that Great Britain held the empire of the sea at the will of the House of Bourbon.

Mr. *Burke* called his lordship to order; said, his hon. friend was giving his reasons in debate, that Spain had 40 men of war of the line, which was a fact, if true, that he had a right to state in argument, in support of his opinion.

Mr. *Hartley* resumed his speech, and to prove what he affirmed to be true, took two lists of the Spanish navy out of his pocket, by the first of which it appeared that there were 40 ships of the line at Cadiz and its neighbourhood, in September 1777; and by another list, which he received the latter end of 1778, that there was one of 80, five of 74, and two of 64, built in the interim. He had his account from a person who had been on board every ship, could describe its state and condition, and if the noble lord doubted the fact, he was ready to produce the person at the bar. He then entered into an account of the state and disposition of France, Spain, and Great Britain, and recommended to hold out new terms to America, as the only means of preventing the total ruin of this country. He said, Spain was inclined to break with England, and if she did, all hopes of accommodation with America would be totally at an end.

Mr. *Burke* said, the public lay under great obligations to the hon. gentleman who had just sat down, as well on the present as on many former occasions. His details were always important and correct, and well worthy the attention of the noble lord in the blue ribbon. The hon. gentleman had truly stated, that the expence of the campaign of 1779, would be little short of the enormous sum of 20 millions, including the navy debt, vote of credit, and services; which, from the manner they were necessarily incurred, could not be regularly passed in account within the year. He had stated the unfunded debt only at 16 million, which he thought was

considerably lower than it might be justly computed. He differed from the hon. gentleman in matters of computation and finance, but was convinced, if the war was to cease the instant he was speaking, that a tail of ten additional million of unfunded debt, which, with the eleven already stated by his hon. friend, would make in the whole 21 millions of unfunded debt, would remain behind. The debt already funded bore an interest of nearly a million a year; this unfunded debt, when funded, would add to the interest paid to the public creditors, about another million; so that the first face the American war at this stage of the business presented to the people of England, was, a mortgage on their lands, moveables, trade, and commerce, in perpetuity, of two millions a year, America lost, and not a shilling to balance this unparalleled loss, and an insupportable burden in return.

The noble lord, if he could judge from his language, whatever his secret feelings might be, kept up his countenance tolerably well, and seemed to be already preparing for another American campaign. Says the noble lord, the sinking fund will be more productive this year than it was the last; the house and servants tax will come to its aid; and, instead of being a burden, as they were to the amount of 700,000*l.* this year, they will considerably augment its receipt in the next. Says the noble lord, a sum of money is expected the next year, from the East India Company; and in consideration of the territorial revenues, an annual supply will be expected by way of equivalent; and in a year or two, on the ceasing of some determinable annuities for years, the sinking fund will be further augmented, to the amount of 200,000*l.* per annum. For the present, I shall consider those golden promises in no other light than as stimulatives to induce this House and the nation to a farther prosecution of the American war. You hear no more of raising the supplies within the year, but you are told of the increasing state of the sinking fund, and of a standing, fixed East India revenue, in which one supposition, perhaps impossible, is followed by another supposition, perhaps more impossible. The first is, the supposed flourishing state of the sinking fund, and the certainty of obtaining a settled revenue from India; the second is, whether those resources, if real, can or will present such a security to the money-lenders, the next year, as they will

be willing to advance their money upon; but of this, more hereafter.

The noble lord is preparing for another American campaign; that is the main object of my rising. He gave us to understand, early in the session, that it was his intention to do so; that the present was to be carried on upon a moderate scale; that it was to be moderately fed; but that from the disposition of the people of America to return to their former state of obedience, and from the inability of the Congress to support their usurped dominion, the loyalty of the majority of the people, and the vigorous, unanimous exertions of the country, the fate of America would be determined in the year 1780. This was the substance of what fell in several conversations upon this subject. If I have mis-stated the noble lord's sentiments, he will rise and set me right: if not, I shall take it for granted; and his financial discourse this day confirms to me, that I neither misunderstood, nor have misrepresented him. Here, then, is another ten millions to be added to our burdens, and an annual interest of half a million to be paid in perpetuity. If this, however, is certain loss, let us look forward to the probable gain. Nothing. America is lost; and all we have to balance against this risk and loss is, a war with France, Spain, and America. I shall beg leave to assign my reasons.

We have been sitting in this House, twice a week, till midnight, in examining officers upon the probability of success in the American war. We have been informed, that the people in general are hostile to us; that the face of the country, at almost every mile's distance, presents a native fortress; that the rebels are well disciplined; that they are the most dextrous in the world at raising fieldworks and sudden defences; that, from the nature of the country, it is next to impossible to obtain intelligence; that the country in general is intersected by broad, deep, and rapid rivers; abounds in creeks, and is covered with woods and morasses. In short, that a successful war is totally impracticable, with any force or assistance we could be able to procure and send. This is not the language of declamation, of hearsay, or conjecture; the two generals who commanded there, hold it; every officer of rank who served under them confirm it. What then is the next consideration? Most assuredly, if we cannot recover America, or if even the pro-

babilities were balanced, that it would be a most hazardous experiment, is to determine on the properest mode of relinquishing the attempt.

In the face of all these difficulties, however, the noble lord appears determined to risk another campaign. The difficulties seem as nothing in his contemplation. The House and nation is with him, and all he looks for or attends to is the means. I recollect well when the noble lord said, on the first budget day, the American war must be "moderately fed," the House resounded with hear-ems! while twenty fat contractors cried out with one voice, some in hoarser, some in more sonorous accents, "feed! feed! feed!" This deluded country was to be bled to death, to be plundered to the last shilling. What cared the contractors? Like so many ravens and birds of prey, they wished only to suck her inmost vitals, to feast on her entrails, and finally glut their all-devouring maws on her lifeless cadaver.

But to return to the means pointed out by the noble lord for carrying on this ruinous war: an increase of the sinking fund, 200,000*l.* a year determinable annuities, and a permanent annual East India revenue. The noble lord knows that the sinking fund will not answer what it is already charged with; he knows that the surcharge of the customs and excise, the post-horse tax, nor that upon stamps, cannot, from the nature of collecting them, be brought into the receipt of the exchequer by the end of the Christmas quarter. As he is sensible of all this, he must of course know, that instead of an increase of the sinking fund, there must be a decrease to the amount nearly of the interest of the whole loan of the present year, a sum of upwards of 400,000*l.* So much for his lordship's expectations from that quarter. As to the determinable annuities, which will fall in 1781 and 1782, surely the noble lord does not mean to be serious, when he states them as part of the ways and means for the year 1780.

The India company, however, in his lordship's opinion, holds out something more certain, and of greater magnitude; a fixed revenue to be obtained will be a good security. Here the same objection holds to this resource as to that of the sinking-fund. Supposing the terms fixed, and the act passed, and the revenue certain, can the money be remitted, or investments made time enough for the payment of the interest growing due in 1780?

Impossible: but in my opinion the plan of a settled regular revenue is totally impracticable; and I dare say the noble lord will be convinced of this melancholy truth, when he comes to negotiate with the money-lenders; they will not trust to so precarious a security. The truth is, our territories in the East Indies are able to render certain advantages in commerce and military strength, to this country, and no more. We tried the experiment once before, and were at last obliged to forego an ideal revenue of 400,000*l.* per ann. but not until the Company became bankrupts, and were obliged to apply to this House for aid. The great military establishment kept up in that country has swallowed up all the land revenue; and all the real advantages we can ever expect to reap from it, is in the way of trade, and the increase of private property spent within the kingdom, and the power and the weight and preference it has given to us in that quarter of the globe, over Holland, France, Spain, and all the other European powers who possess any territories there. The Company will be able to defend their own possessions, and annoy our enemies there, and of course will add to the aggregate strength and dignity of the British empire; but, I fear, if our East India possessions are to come under the patronage of the crown, and are to be governed as a military province, that they will follow the fate of our dominions in the West, and will finally be wrested from this country. I do not mean, however, to disapprove of, or controvert the controuling power and guardianship of this House. Let this House and the parliament be the medium of controul; but I hope I shall never behold it ingrafted or invested in the executive power of this country; waving, however, every more remote consideration, so far as a fixed revenue may be applicable to the immediate relief of this country, to enable us to raise the supplies with greater facility, and upon better terms, I believe it is clearly demonstrable, that it can answer no such purpose for the ensuing year.

If, then, the American war is impracticable, I think I have proved that his lordship's means are no less so, which clearly amounts to this, that the annuities payable on the loan of the next year must be paid by additional burthens to be laid upon the people, and that the additional burdens thus to be laid, falling probably short of the sums they will be taken for, as in the three preceding years, must be drawn

from the sinking fund, which will be an anticipation of the greatest part of its produce. Whether national aids procured in such a manner, and upon such terms, to carry on a war impracticable and destructive in its nature, would be a wise measure, I leave to this House and the noble lord to determine; but I had an additional reason for rising on the present occasion, equally strong with any of the foregoing, to shew the folly and madness of prosecuting the American war; and it is connected with what fell from my hon. friend who spoke before me.

My hon. friend says, that he has strong reason to believe, that America would at present be willing to treat upon amicable terms with this country, if we desisted from farther hostility, as they begin to see into the designs of France, and that Spain continues and is determined to preserve a neutrality. My hon. friend, with his usual ability and zeal, has followed this information by earnestly pressing the noble lord to make some proposition in parliament, tending to a full reconciliation with the colonies, because, said he, if from any accident Spain should depart from her neutrality and be drawn in as a principal in the war, America will refuse to treat upon any terms. To strengthen this argument, my hon. friend has stated the very formidable naval force of Spain, to shew that we should be over-matched by such an union of power as France, Spain, and America. I differ in part from my hon. friend, both in his facts and conclusions. I have strong doubts that America would not treat, because the condition precedent, that they would not, has already actually taken place, for Spain is no longer a neutral or mediating power; all neutrality and mediation is over, and that within a few days. The treaty is determined very recently, within less than a week, perhaps five days. I agree with my hon. friend, that Spain, as she is now actually leagued with France, will turn the scale against us; but I do not despond, could we get rid of the American war. We often contended with those powers, and vanquished them on our proper element, the ocean; and I trust still, if we are united, our counsels wisely and vigorously conducted, and the spirit of the nation called forth, that we are able to resist their u. most efforts. If the confidence of the people was restored; if a dangerous court system was broken; if the influence of the crown was regulated and limited within its constitutional bounds, we should

have no reason to despair; but the instant is critical; the moment must be seized; recall your troops from America; if she will not treat upon a political connection, as soon as she perceives the House of Bourbon leagued for our total destruction, she will desist from all enmity, and forget all former injuries; she will feel all the emotions of a child for the miseries of a harsh or misled parent; but even were she to observe a neutrality, I would not despair but we should prevail in the contest. She must at once perceive that it is no longer a struggle for her liberties, but a plan, concerted between our natural enemies, to erect schemes of ambition and endless destruction on the ruins of her once kind and indulgent parent.

I repeat once more, that all negotiation is at an end, that Spain is openly leagued with France. The noble lord knows it. I call upon him to contradict me; if he does not, I shall take it for granted. If so, then I earnestly implore the noble lord not to lose a moment's time, but instantly seize an occasion which the interval of a very few days may place for ever beyond his reach. The fate of the empire, the existence of this country depend upon celerity, vigour, and union in this very important concern.

I have but one word more to add. My hon. friend has stated the naval force of Spain, I believe, very correctly; for I have a list in my hand which confirms it. At present we are superior to France in the ocean and the West Indies, and I believe in the East. We are inferior only in the Mediterranean, where, most certainly, our two important fortresses are at the mercy of the House of Bourbon: and for this single reason, if for no other, that we cannot at present send a single officer or man there, unless we can be happy enough to smuggle him in a rum puncheon or brandy cask. But Spain, says my hon. friend, with 40 or 48 ships of the line in Europe, will give to the House of Bourbon a decided majority—granted; and that, in its probable consequences, urges me to press the matter more seriously on the noble lord in the blue ribbon; because, if the empire of the sea once leaves us, our distant dependencies must follow of course. It is true the East Indies is able to defend itself, so is the West; but no longer than we shall maintain the empire of the sea. If the House of Bourbon have a superiority in the European seas, that superiority will soon extend itself to the East and West

Indies, because, having it in their power to cut off all supplies of men, ordnance, &c. those places must necessarily submit in time, be their local strength ever so equal. Dispatch is therefore the only thing that can save us from impending ruin, and the intention of pressing it forcibly upon the noble lord was the cause of my giving the committee so much trouble. He concluded with a few words on the critical and dangerous state of Ireland.

The Resolutions were agreed to.

Debate in the Commons on the King's Message for a Vote of Credit.] June 1. Lord North delivered the following Message from the King:

“GEORGE R.

“His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering that, in this critical conjuncture, emergencies may arise, which may be of the utmost importance, and be attended with the most dangerous consequences, if proper means should not be immediately applied to prevent or defeat them, is desirous, that this House will enable him to defray any extraordinary expences incurred, or to be incurred, on account of military services, for the service of the year 1779, and to take all such measures as the exigency of affairs may require.”

June 2. The House went into a Committee of Supply on the King's Message, in which lord North moved a Vote of Credit of one million.

Mr. T. Townshend wished to learn what was the present object of the war with America? How it was to be carried on? The force now in America, he presumed, could not in reason be adequate to the conquest of that country, when a much larger had failed in the attempt. The 5,000 men we had sent to the West Indies, had greatly weakened sir H. Clinton, for they were the flower of his army; by their absence sir Henry was so cramped that he must act on the defensive, while the small reinforcement sent out with admiral Arbuthnot would probably arrive too late to be of any effectual service this campaign. The troops under general Grant in St. Lucia he wished to see ordered back to America, for two reasons; one that they might reinforce sir H. Clinton, and the other that they might quit a country where they were daily dying, without being able to do their country

any farther service. If his accounts were true, 300 of them had already died, and 1,100 were lying sick in the hospitals. The force of France in the same quarter of the world was supposed to be near 16,000 strong, consisting of old regular regiments from Old France, so that 5,000 men could not pretend to make conquests, against such an army. The force of Mr. Byron was certainly superior to that of M. d'Estaing; but as he cannot detach a sufficient number of vessels to carry safe to New York general Grant's army, he may be said to be confined to a spot as much as D'Estaing is to Martinique. He wished to know if any more offers were to be held out to the Americans; he was of opinion that it would be prudent and politic to treat. He would be glad to know if unconditional submission was still the object of administration; he was the more desirous to know it, as the commission, under which our commissioners held out terms to the Americans, would expire in a short time. If what was asserted by his hon. friend (Mr. Burke) was true, namely, that the negociation with Spain was broken off, he would not say our case was desperate, for he hoped we should act manfully, and by our spirit repel the threatening danger; but he could not avoid thinking it to be very alarming. America and France already at open war with us; Spain arming, and a cloud hanging over Ireland, afforded us rather a gloomy prospect. The reports from Ireland were really alarming, and he could not but attribute in a great measure to administration the consequences that might ensue. They had put off to another session the consideration of Irish affairs; and had sown the seeds of discontent in the north of Ireland, by rejecting the clause in favour of the dissenters that was tacked to a Bill in favour of the Roman Catholics. The latter he deemed very proper objects of toleration, and he had done himself the honour to be one of the first who ventured to recommend that body of people to their own parliament; but he could not but contend that it was rather improper to exclude the dissenters from a share in an indulgence offered to Roman Catholics.

Lord North said that unconditional submission had never been his expression, nor, he believed, of any member of administration. He never had intended to enslave America, and had never been weak enough to imagine, that he could have supported slavery in it, even if he could

have once introduced it. The question now in dispute was, whether we should renounce all connections with America, or whether we should endeavour to preserve her to Great Britain? And he was convinced that after-ages, considering the great importance of our colonies to us, would certainly applaud us for every effort we had made, and should hereafter make to keep them. He never had, in endeavouring to obtain this end, once thought of overturning the liberties of America; his sole view was to assert the just and natural rights of this country. With respect to the 5,000 men in the West Indies, he had learned from their general, that the sick were recovering very fast. The mediation of Spain certainly was at an end; the same friendly disposition towards us, however, apparently existed at the court of Madrid; the same pacific protestations were still made; no junction had taken place between France and Spain; but the same armaments to which the king had alluded at the opening of the session existed still, and consequently it would be proper to look to them with a jealous eye. The reports from Ireland were certainly greatly exaggerated. Associations had indeed taken place, and non-importation agreements entered into, but he had heard of nothing more. As to the complaint relative to the clause in favour of the dissenters, he did not think it as well founded as gentlemen might imagine; it was tacked to the Bill in favour of the Roman Catholics, with a view to destroy it; and when it arrived in England, it was a moot point whether the Bill was more likely to pass or be rejected by the lords and commons of Ireland, with the clause or without it; and he was really of opinion that if the Bill had returned with the clause, it would have been rejected, as the clause tended to repeal the sacramental test, which was greatly liked in Ireland. Besides, the Bill and clause went upon very different principles; the former was built upon the rational ground of toleration; the latter was granting a participation in the government: the one was just and proper, the other perhaps imprudent and impolitic.

Mr. Dempster rose just to ask if all idea of negociation with America was over?

Mr. Fox rose to the same point. When the minister brought his Conciliatory Bills into parliament fourteen months ago, it was reasonable to infer, that he had done so, because the King had not sufficient

powers to treat without them. The parliament was now going to rise; the commission for treating with America would expire in a month, and then, though America should be inclined to treat, it will not be in the power of the minister, according to his own doctrine, to treat. Mr. Fox took a general view of the state of affairs: he denied, that the clause in favour of the dissenters had been tacked to the Bill in favour of the Roman Catholics, with an intention to destroy that Bill; and while he would go as great lengths as any man in England to grant the Roman Catholics every species of indulgence, he could not but blame administration for behaving harshly to the dissenters of Ireland, to whom English liberty, and the constitution, were almost every thing.

Lord George Gordon interrupted the debate by informing the House of the victory the kirk of Scotland had lately gained over Popery.

Mr. *Burke* pointed the keenest satire against the bigotry and intolerance of the Scotch, but laid the greatest blame on administration, for nearly giving up the dignity of parliament, in the speech made by the lord high commissioner in the synod of the church of Scotland. The moderate party had gained so great an ascendance in the synod, as to be able to get a Moderator chosen from among them, but when they found that intolerance was protected by ministry, and that consequently they would remain unsupported, they did not think proper to expose themselves to the rage of party, in favour of the Catholics.

The Resolution was agreed to.

June 3. The Resolution was reported, agreed to, and a Bill ordered in. When this report was made, there were only twelve members in the House. The House went into a committee on the American correspondence. When the House was resumed it was moved to adjourn to the 5th.

As soon as this motion was made,

Sir *P. J. Clarke* observed, that being resolved not to give his assent to the voting away so large a sum, part of which must be borne by his constituents, without knowing the real intentions of ministers respecting America, and the real dispositions of Spain relative to her future conduct respecting France and America, he came down early, in order to offer his reasons against agreeing to the resolution voted in the committee of supply the pre-

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ceding day. He knew his own insignificance and want of weight too well, to presume that any thing he could urge would make the least impression; but as an act of duty, he thought himself obliged to attend and give his voice, however feeble, against the report, unless accompanied with the explanations alluded to. He assisted at prayers, and remained nearly an hour in his place, expecting every instant to hear the report offered to be brought up; but seeing the House so very thin, he concluded it was meant to be put off till there should be a fuller attendance. Resolving to be satisfied, when a motion was made for the House to resolve itself into a committee on the conduct of the American war, he whispered the Speaker to know what had become of the report? who informed him that the resolution had been just reported. At this instant a loud laugh came from the Treasury-bench, apparently on account of their having smuggled the report, and eluded his vigilance. For his part, he could not conceive how such a circumstance could have happened. Seventeen or eighteen millions had been already granted; the present resolution was the last opportunity that House had of controlling ministers; and he was really astonished how such a sum of money could be voted away in so indecent and improper a manner.

The *Speaker*. I am sure the report was received, and the question put on it, in the usual manner. If the hon. gentleman has any thing to offer, he will have frequent opportunities to urge it in the future progress of the Bill. The present is only a motion for leave to bring in the Bill.

Colonel *Barré*. The chair must know, that a doctrine has for years prevailed in this House, no matter whether well or ill-founded, that it is not orderly to oppose a money-bill in any stage of its progress; and that the forms of proceeding of the House bind, or affect to bind, every member, to urge whatever he has to offer in the committee, or on the report. The chair knows that, and, if he had recollected, would have seen that the resolution once reported, all effectual opposition would be thereby excluded. You, Sir, [to the chair] are answerable, from your rank and duty to this House, not to permit its rights or usages to be either directly or substantially violated. I do not blame you; Sir; but in a House where there were not twenty members present, to receive a report whereby a grant of a million was voted,

and that in such a manner that my hon. friend near me, sitting just at your elbow, and here at prayers, could not hear you either announce the report, or put the question, has in my mind a most extraordinary appearance. The report ought not to have been received in so thin a House, and at such a time. No convenience of the Treasury-bench, no trick to secretly surprize the House, and smuggle the resolution under such circumstances, ought to have been permitted. It was a victory to the Treasury-bench; they dreaded to be called upon for explanations which they dare not give. They have rode post on the present occasion, and they look forward with pleasure to the being able to escape the censures which must arise, I trust, from almost every side of the House, so long as the parliament shall continue to sit. Such a procedure was indecent and unparliamentary; and I confess my surprise, that you, Sir, should be led into such a mistake, for I presume you did not see the matter in its true light.

The *Speaker*. I despise the insinuations made by the hon. member. He endeavours to charge me with acting an improper part on the present occasion, which, if I had acted in the manner he has stated, I acknowledge would be a breach of my duty, for which I could plead no excuse. Let the hon. gentleman not insinuate, but let him speak out like a man; because, in that case, I shall know what answer to give. I shall be then enabled to reply to his charge, though I confess myself totally unable to give an answer to a general insinuation. The hon. gentleman should have been fully acquainted with all the circumstances before he proceeded to pronounce so decisively on my conduct. The report stood the first order of the day. The House, it is true, was very thin; I waited for a better attendance till within a quarter of four by that clock [pointing to the House clock]. The report was then offered to be brought up; it was received, and the question put upon it in the usual manner. Would the hon. gentleman have had me rise to oppose the report? Would he have had me depart from the established mode of proceeding, and break into the usages of the House, unless some opposition were made, or negative proposed? This is the true state of my conduct: if the hon. gentleman can meet these facts, and disprove them, let him bring his charge forward like a man, and not by insinuations endeavour to throw blame on the chair—

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insinuations, which, I am free to say, are as uncandid in the manner they have been urged, as they are unsupported by fact.

Colonel *Barré*. I did not throw any blame on the chair; on the contrary, one of my first expressions when I rose was, that I was certain that you, Sir, was not to blame.

The *Speaker*. I insist that the hon. gentleman did pass a censure, and a very severe one on the chair, nor did I hear the expression alluded to.

A member on the Treasury-bench said, that he heard the words of exculpation from the hon. gentleman when he first rose.

Colonel *Barré*. Nothing, Sir, could be farther from my thoughts than to suppose that you had the most distant wish to forward the little arts and low tricks of the Treasury-bench; for I am still free to contend that they acted in a most shameful and indecent manner. They perceived the House thin, and waiting to go into a committee: they knew the ideas that prevailed, and in the hurry between the finishing of the private business and my hon. friend's taking the chair, they smuggled the report by stealth; and as a fuller confirmation of what they did, and what they feared, they now desire that the House shall meet on Saturday, to hurry that measure with all possible dispatch, which they had surreptitiously carried. I do not perceive any of the chosen veteran phalanx on the treasury-bench, nor any of sufficient weight or consequence, but my hon. friend (governor Johnstone). He seems to be in a thin company, and not to have his rear or his flanks well covered or supported; his station is newly taken, [the governor always sitting under the gallery on the other side of the House,] I cannot therefore call upon any of the new faces which at present occupy that bench, and must content myself for the present.

Governor *Johnstone*. The right hon. gentleman has been very witty, which I am ready to submit to; but what he means by his fronts, and flanks, and rears, I am at a loss to guess, unless it be to make a scaramouch of himself. The vote he so much complains of, is a matter which he is at least as much bound to forward as I am. He has a place, or voice, in his Majesty's councils, and, as such, stands more nearly connected with government than I do. It may be a part of his duty to forward those councils at which he is presumed to assist; but for my part, the

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right hon. gentleman knows, that I neither approve of the conduct of administration, nor am I bound by any tie whatever to support the measures of administration, though he may. The right hon. gentleman seems to throw great blame on the Treasury-bench, and to exculpate you, Sir. For my part, if there be any blame, it is you, and you only, that are answerable. If the Treasury-bench, from any motives of convenience, or from wishing only in the usual way to carry on the public business, urged the report in a thin House, I mean, if it was improperly done, it is you, Sir, that are accountable for the consequences to this House. I do not charge the chair with any neglect of duty; but I am clear the Treasury-bench did no more than what is usual.

Colonel *Barré*. The hon. gentleman who spoke last has, by way of distinction, emphatically described me by the appellation of the right hon. gentleman; and presuming that as I assist in his Majesty's councils, which he well knows I do not, follows that with another presumption, rather novel to me, that having the honour of a seat at the council-table, I am bound by my situation to support the measures of government, whether I approve of them or not. The hon. gentleman has pronounced on your conduct decisively; he wants to represent you unfit for assisting in his Majesty's councils, and me as no longer worthy of a place there. The hon. gentleman has called me a Scaramouch. I do not believe that such language is parliamentary: I should be obliged to him if he would condescend to explain himself.

The *Speaker* restated his arguments in reply to governor *Johnstone*; contended that he could not have acted otherwise than he did; and concluded, that no manner of blame could be fairly imputed to him.

Governor *Johnstone* insisted, if there was any blame due, the *Speaker* was alone answerable; but that the report having been made at the usual hour, and it being the first order of the day, no blame, in his opinion, was imputable to either the chair or the Treasury-bench.

Colonel *Barré* insisted on an explanation of the word 'Scaramouch;' but the *Speaker*, in order to put an end to all farther altercation, informed the House that the messengers were attending from the other House with a Divorce Bill; and that it was full time to call them in. Here the conversation ended.

Debate on Sir William Meredith's Motion respecting Peace with America. June 11. Sir *William Meredith* said he had a motion to make respecting America. He began with calling back the attention of the House to the commission which had been sent out to America last year; the powers of which expired on the 1st of June. He remarked, that the commissioners had returned without being able to effect the desired reconciliation; that a whole year had elapsed without any one step towards a measure so necessary to the well-being and safety of this kingdom being taken with success. He ascribed this unfortunate fact entirely to the misconduct of the ministry; and read extracts from two letters sent by the noble lord at the head of the American department, to the commander in chief at New York, with the commission; from which extracts, he argued, it appeared, that at the very time when ministers had talked so loudly of their desire to conciliate with America, and parliament had passed a Bill empowering his Majesty to send out commissioners, and had repealed almost every one of the Acts which were supposed to be the grounds of animosity in the minds of the Americans, the American secretary had instructed the commander by sea, and the commander in chief by land, to carry on the war with as much severity as possible, and had done this in such a stile as to make them responsible for every measure they took in consequence of his letter. He said, this was an evident proof of the treacherous designs of ministry respecting the Americans, in the very moment that they were offering them terms of so extensive a nature, that if they had been accepted of, and had happened, through the influence of government, to have been ratified by parliament, would have sacrificed the dignity and the rights and privileges of the British legislature. The treachery of their conduct, he said, was since sufficiently apparent, the American secretary having himself stood up in his place, and avowed his opinion that he was not bound to give America the terms offered last year, because she had not thought proper then to accept them. He enlarged upon what he called the abominable inconsistency and unfairness of sending out orders to carry on the war with aggravated severity, at the very time that the commissioners were going out to offer peace. He considered the Prohibitory Act as the act which now stood in the way

to reconciliation, he would therefore repeal that act, as a means likely to conduce effectually to the end he had in view. He repeated what had been so often said in both Houses, that America would not treat with the present ministry, and applied to the observation the answer of a great king, who had once removed his ministers, in order to make a peace with those, who would not come to any terms while they were in office, giving as a reason, that they who had set a house on fire were not fit people to be employed in extinguishing the flames, because creating a fire and putting it out required very different talents. He owned, therefore, that he wished most heartily that the incendiary ministry were removed, because then there would be a greater probability of a treaty of peace being carried on with effect. At any rate, however, as the Act for enabling his Majesty to send out commissioners for making peace was expired, it was not safe or prudent for parliament to rise without arming the King with some authority to effect so salutary a purpose, should an opportunity offer, and therefore, he moved,

“That an humble Address be presented to his Majesty, to assure his Majesty, that his faithful Commons, knowing that it must give his benevolent and royal mind the highest satisfaction possible, to remove the calamities of war from his colonies, and the burthens of sustaining that war from his British subjects, beg leave to express their great concern that the commission, which was issued by his Majesty for the wise and salutary ends of accommodating our disputes with the Americans, has failed of success:

“There is not an example of any nation that ever sent fleets and armies of such strength and magnitude on so remote a service as those which Great Britain has poured into America; yet they are not found, on trial, to be adequate to the purpose of establishing a government by force over that country: that, looking to the situation of affairs in Europe, we cannot but apprehend that our resources may become altogether necessary to repel the hostile designs and the armaments prepared against this kingdom; confident, however, that the hearts of his people are animated by a true spirit and zeal for his Majesty's service, and that means will not be wanting to defend his sacred person, his family, and his dominions, against all hostilities:

“That, in this state of things, we most sincerely lament that the commission for restoring peace (which was in force till the 1st of June only) has expired, without any declared or apparent intention of opening a door to reconciliation;

“That his faithful Commons, therefore, think it their indispensable duty, most humbly to implore his Majesty, to direct those confidential servants, on whose advice his Majesty relies in matters of the greatest importance, that they do immediately deliberate upon, and concert, such measures as may prepare the way for peace with America.”

Mr. *D. Hartley* seconded the motion.

Lord *North* said, that certainly no measure could be more desirable than a reconciliation with America, provided such a measure could be effected with honour to this country. That it was a point so devoutly to be wished, that he did not believe there was a man in the kingdom who did not anxiously pray for it; that his Majesty, from the natural benevolence of his heart, must wish it with the greatest earnestness, and every one of his ministers must, on every account, look up to it as an event of the most happy nature to the kingdom; there could be no necessity, therefore, for the present motion to impel them to do their utmost to promote it, and to seize the opportunity whenever it should offer itself. Let gentlemen consider how we stood with regard to America, and they would see that the King's servants could do nothing till America herself made an application for peace. When the commissioners, who went over last summer, applied to Congress, what was their answer?—that Congress would not enter into any treaty with this country, unless as a preliminary, we would either acknowledge the independency of the American states, or withdraw our fleets and armies. This answer, notwithstanding every endeavour of the commissioners, was all they could obtain from Congress; the matter, therefore, must rest till Congress thought proper to apply to this country for peace; the moment America made any advances, the King's servants would certainly embrace and encourage them, and do all in their power to bring the dispute to an honourable conclusion. This it was both their duty and their inclination to do, and it was what they would do every whit as eagerly, and as early, as if the present motion passed. If such advances were made, and they

were happily so matured, as to render the convening of parliament necessary, parliament might be assembled in a fortnight. With regard to the letters which the hon. gentleman had mentioned, he saw not the least ground for censure respecting them. What did their contents prove further, than that when the commissioners went out to treat for peace, means were taken to carry on the war effectually, in case the treaty should chance to fail? Was not that strictly justifiable? Was it not the mode of making peace at all times, and in all countries? Did any body blame the king of Prussia, and the House of Austria, for carrying on the war with the utmost vigour, at the very instant previous to their settling terms of peace? Was it not obvious, that each acted in that manner, in hopes of obtaining better terms? Would any gentleman seriously contend, that the ministers would have acted prudently, if they had been remiss in their preparations to carry on the war with redoubled ardour, at the time they sent out the offers of peace? The hon. gentleman talked of repealing the Prohibitory Act; he had forgot that very act gave his Majesty the identical powers, the want of which the hon. gentleman had contended was the ground on which he had framed his motion. The Prohibitory Act empowered his Majesty to appoint commissioners to declare such of the Americans as returned to their allegiance in the King's peace. Georgia, under that very act, had been declared to be in the King's peace; and so would such other parts of America as should return to their allegiance; but besides this, if the Prohibitory Act were repealed, it would be impossible to carry on the war, for that act it was which gave the power of seizing the American privateers; so that if the act were repealed, the Americans might seize our ships of all kinds, but we could not take any of theirs. His lordship spoke in reply to what sir William had said respecting the unwillingness of the Americans to treat with the present ministers, and observed that it was a little extraordinary after such declaration, that he should have stated in his motion a request to his Majesty, intreating his Majesty to direct those very ministers to concert such measures as might prepare the way for peace with America.

Mr. Fox said, the noble lord now talked of treating with the Congress; formerly his language was, that he would treat with America, but not with Congress. He re-

capitulated the several measures taken against America since the commencement of hostilities. He condemned the coercive laws passed by Great Britain in the hour of her insolence; then the tame submission with which the right of taxation, and even the Act of Navigation, was given up by the same ministers, who with a handful of men had talked of bringing America upon her knees.

He then took notice of general Robertson's evidence before the committee of enquiry, and said, if it were to be credited, it was the severest libel on administration that ever was made public, it loaded them with the whole guilt of having continued a most expensive war with America, when they might whenever they pleased have put an end to it; for what had general Robertson said? That the majority of America wished well to this country, and longed to return to their allegiance. If this were true, the guilt was transferred from the shoulders of the officers who had been employed, to the shoulders of ministry, and they were answerable to their country for not having taken advantage of the circumstance. He, however, was one who did not credit the evidence of general Robertson; he believed him to be a man of integrity and honour, as well as a brave and judicious officer; but the reason why he did not credit his evidence was, because the general had told the House, in the very beginning of his examination, that he spoke not from his own knowledge of facts as they now were, but from his knowledge of the sentiments of America 20 years before the war commenced, and he thence inferred that the same sentiments prevailed now. In proof of this assertion, he read a few of the questions which had been put to the general, and the general's answers, and said, that his evidence, consequently, was of little import. The better to bring this home to the minds of his hearers, Mr. Fox parodied the case by putting it thus: Suppose he was to have withdrawn from parliament soon after the beginning of the war, and to have been out of the kingdom ever since; if a person was to ask him, what were the sentiments of parliament respecting America, and whether he thought they would give up taxation, and agree to any concession on the part of England? he should certainly have replied, "No, by no means; the British parliament will never make peace with America till she is at their feet; they will never give up the right of taxation; they

will listen to nothing short of unconditional submission." Let gentlemen see how ill this argument would agree with truth, and how opposite it would be to the real state of the case. And yet, who that had given the minister credit for his assertions in that House four years ago, would not have thought himself warranted to talk in that stile? He, therefore, for one, had paid no attention to general Robertson's evidence, because after what he heard the general say in the beginning of it, he was convinced it could not be relied on.

Having argued this point, he recurred to the testimony of general Gray, which he said was every way worthy of credit, and plainly shewed that the ministry were to blame, because they had continued from time to time to send over reinforcements short of the amount which the officers employed to carry on the war had declared to be absolutely necessary to make a campaign decisively successful. He ridiculed the language that had been held to invalidate general Gray's evidence, and particularly the argument of one of the commissioners, who had declared, that general Gray, having been but 17 months in America, was incompetent to judge of the sentiments of the people, and of the real state of affairs there. He said, he thought the general, after 17 months actual service in America, was at least as capable of judging of the sentiments of the people, as any of the commissioners, who were there but for four, or at most six months, and confined during that time to the two cities of New York and Philadelphia.

From this he proceeded to review the terms offered by the commissioners, and reprehended them in the severest language, as such as went to sacrifice the rights of the British legislature, and to offer propositions which parliament had neither authorized, nor was likely, even had they been accepted, to ratify. In particular, he objected to the offer, "that agents from the respective colonies should have a seat in the British parliament," and the offer "to pay the debts of America," contracted by an offensive war against this country. With regard to the latter, the minister who either suggested or meant to ratify such a proposition, deserved impeachment; and as to the former, it was the most degrading and unnecessary proposition that ever he heard; unnecessary, because among the catalogue of boundless concessions made by the

commissioners to the Congress, we had expressly given up all right of legislation over America, and degrading, because having given up that right, we meanly courted the agents of America to become a part of the legislature of this country. He defended the conduct of Congress in having made the reply that they sent to the commissioners, by observing, that they were then in actual alliance with France, in consequence of which the king of France had sent them a fleet and an army, and furnished them with money to carry on the war. Let gentlemen consider that the terms offered by the commissioners were not definitive propositions, but mere terms of treaty, terms of discussion, and terms *ad referendum*, which had the Congress been weak enough to accede to, might not have been ratified; exclusive, therefore, of the betraying the rights of their constituents, which they would have done had they agreed to the terms offered by the commissioners, after having engaged in a treaty with France, it would have been the extreme of folly to have taken themselves out of the arms of France, to have given up the advantages they actually possessed, and to have trusted to the faith of ministers notorious for having dealt treacherously with them, and deceitfully with the British nation. Add to this, the preliminary proposals of Congress were neither, in his judgment, improper for them to lay down, or for Great Britain to listen to. Perhaps many good reasons might be urged, why we ought not expressly to acknowledge the independency of America. But as one member of parliament, he was very far from being averse to the other proposition, namely, that of withdrawing our fleets and armies from America. So far from it, he thought that measure the wisest that could be adopted, and the sooner it was adopted the better: so fully convinced was he of this, that he was ready to intreat ministry to come into it, and even to beg it of them as a boon. As a proof that such a measure was really necessary, he referred to the evidence that had been given at the bar by several of the witnesses who had been heard in the course of the enquiry, which amounted to an express declaration, That it was impossible to subdue America, or reduce her to allegiance by force of arms; to what end, then, should we continue our chief military force across the Atlantic when it was so much wanted at home?

He took a review of our plan of operations during the last war, and remarked, that it had been pretty generally the language of that day, that our continental connections were exceedingly expensive and improper. It was very true, that our army in Germany was a considerable call upon the resources of this country, it drained us severely both of men and of money, but then it was to be remembered, that it rendered it necessary for France to have a large army there likewise, and that it kept those troops of France engaged in Germany which might have been annoying us elsewhere, and in places where, if they met with any success, the consequence would have been much more fatal to Great Britain. At present we had a large army in America, and the French had no army there. The British troops were incapable of acting offensively, and in fact were in a state of inactivity: in that state they were likely to remain. Upon this ground he argued, that it was madness to suffer the troops to continue any longer at New York; he therefore wished to make peace with America on almost any terms, and to carry on the war against France with all the vigour, and all the exertion possible. If France offered advantageous proposals of peace, certainly it was the duty of administration to accede to them, because, as the resources of this country now stood, exhausted as we were by the long and ruinous war in which we had been involved, a peace, on proper terms, was certainly a very desirable object; but ministry ought never to make peace with France, either upon the condition of ratifying her treaty with America, suffering her to continue her connections with the United States, or giving up any part of the British dominions.

He contended, that as the late commissions held out terms and conditions to all America, the public faith was pledged for giving America the same terms whenever she chose to accept them, notwithstanding what the noble lord, the American secretary, had on a former occasion thought proper to say upon the subject. He also contended, that the faith of this country was pledged to protect all those, whether bodies of men or individuals, who had come in under the commission, and returned to their allegiance. He said, if there was but one man of this description, we were bound in honour and in justice to make good the conditions to that individual. That the commission having expired on

the 1st of June, it was indispensably necessary to give his Majesty parliamentary authority to make peace, an authority which did not exist, and without which it was dangerous to trust to the hazard of a whole summer's passing. In speaking to the design of repealing the Prohibitory Act, he declared it to be the most obnoxious of any that had been passed against America, and that it ought to be repealed. He read extracts from the letters sent by the noble lord at the head of the American department, in which the writer had recommended it to sir William Howe and the noble lord his brother, to prepare to carry on the war in such a sort, as should convince America of the determined purpose of this country to prosecute it with unremitting severity. Upon these passages Mr. Fox commented, and declared, that the plain meaning of them was, to prosecute the war in as bloody and sanguinary a manner as possible. He said, he understood that the war was carrying on in that manner at this time; he did not mean, however, by a general and loose assertion to criminate ministry farther than they deserved, he would therefore state to what he alluded: it was this; that the southern Indians had been excited to rise and attack the back settlements of Virginia and Carolina. He did not mention this as a fact, he really did not know whether it was so or not, but such was the report, which he hoped to God was ill-founded; he had much rather that Mr. Stuart should have put the many thousands which he had drawn upon the treasury for into his own pocket, than employed the public money in such a way; he had rather he had made a job of it, and that he should see him soon return to this country to live at his ease and in splendour upon the money he had so pocketed, and he wished so for this reason; it was evident, that the Indians could hardly be restrained from acts of the most horrid cruelty, even when they were under the awe of so large an army as that commanded by general Burgoyne, an officer as distinguished for his humanity as his bravery; to what extent, then, might they not carry their barbarities, when they were unaccompanied by any army, and strangers to every idea of discipline? The savage massacre of aged and defenceless men, women, and children, would be unlimited; the very conjecture of it was shocking. He was free to allow, that Indians might be employed in the service to advantage, but then it must be when they had an army

to direct and regulate their efforts. Having spoken to a variety of other points, Mr. Fox concluded with declaring, that he thought the motion made by his right hon. friend every way laudable; and should therefore give it his hearty support.

Governor *Johnstone* said, the hon. gentleman was repeatedly arraigning every measure proposed by government for managing the war with America, but would never tell the House, what plan he would follow himself were he in power. The hon. gentleman had expressed his desire to have the troops recalled from America, but had declared, that possibly there might be many reasons why it would be wrong to acknowledge the independency of that country. Did the hon. gentleman imagine, that every person did not see the fallacy of this reasoning? The one proposition involved the other, and withdrawing the troops was effectually acknowledging the independency. What would be the consequence of withdrawing them? The most fatal to this country that could happen! The army of America would instantly seize on Canada and on Nova Scotia, attack the fisheries, then the West-India islands, and thus all our dependencies on the other side the Atlantic would fall, and we should no longer have any weight in Europe as a maritime power. The answer sent from the Congress to the commissioners, he declared, had been much misrepresented: the Congress had said, they could treat only consistent with treaties then in being, meaning their treaty with France, so that the only terms that Congress would have accepted must have been such as the court of Versailles should have approved of. With regard to what the hon. gentleman had said respecting his having talked of his knowledge of the situation of affairs in America, and of the sentiments of the people, in opposition to what had been given in evidence by general Gray; he did not mean to argue merely upon what he had discovered while he was there as a commissioner,—in which capacity he had done his best to serve his country, and he defied any one member of the Congress to prove, that he had in any part of his conduct acted dishonourably—but he spoke from a long acquaintance with the country, from his having gone through many parts of it, and lived in a state of friendship with the inhabitants, which afforded him opportunities of coming at information beyond the reach of general Gray, who had acted in a military character only in America,

and in that merely for 17 months. He had on a former occasion stated, that there were many divisions and differences of sentiment among even the Congress themselves; the assertion was a fact, and he would prove it by such evidence as he believed the hon. gentleman himself would admit to be indubitable. The governor then read a letter from Mr. Laurens, president of the Congress, to a governor of one of the southern provinces, from which it appeared, that Mr. Laurens complained of peculation and want of zeal for the cause of the States. The governor repeated his former assertion, that the greater part of the Americans wished well to this country, and were so heartily tired of the tyranny of Congress, and of the oppression they felt from their new governors, that they would gladly return to their allegiance, but that the Congress, who had got the power of government into their own hands, and were too ambitious to consent to part with that power as long as they possibly could hold it, would not let them; this very argument, he said, was an irrefragable answer to the hon. gentleman's doctrine of withdrawing the troops, which, instead of weakening the power of Congress, would naturally strengthen it, and enable them to hold the government they had assumed as long as they pleased. With regard to the prohibitory or restraining Act, he said, that was the very Act, which gave us advantageous means of carrying on the war, and the very Act which empowered his Majesty to make peace, whenever America should be disposed to offer terms, and certainly as matters stood at present, as the noble lord in the blue ribbon had well observed, the offer must come from the Americans.

Mr. *Eden*. I may be permitted, Sir, to press myself on your notice in preference to other gentlemen, as the very important matters which have been brought into this debate by my hon. friend (Mr. Fox) peculiarly affect me, and have not been stated with that degree either of kindness or candour that I might have expected. It does not fall within the compass either of my wish or ability to take notice of all that gentleman's positions; I can have no object in discussing with him the consistency of his conduct in now voting for an address to lament the failure of a commission, which, he says, made ridiculous propositions derogatory from the essential rights and interests of this country; it will be sufficient for me, if my own

conduct on this motion is right. I respect the mover and his intentions, but he professes merely to recommend to the King a general line of conduct so palpably improper for his Majesty to adopt, that I shall vote against his address as being at least superfluous. It is equally foreign from my purpose to consider the hon. gent.'s strange and desultory mode of proving the weakness of our present army in America from the greatness of its detachments to early and distant services; whatever our actual force in that country is, or may be, every effect within possibility may be expected from that army and from its commander-in-chief. Neither do I wish to enter into the serious defence or well-merited praises of the five or six hundred gentlemen from America who have been mentioned in this debate; they were mentioned indeed in a tone which struck my ear as wanting the consideration due to such men so situated; but I know that the hon. gentleman feels respect for misfortune, and a love for loyalty; I know, too, that he is incapable of an ungenerous intention, and the American loyalists, on both sides of the Atlantic, deserve from us all every good epithet that a good mind can give. In the flow of language expressions will drop which recollection would have checked, and to the want of recollection only, I attribute the harsh expressions with which the hon. gentleman has also treated the King's commissioners. I am not hurt by those expressions; I have lived too long in the world to be now wounded by political epithets. Lastly, I do not wish to set up my own knowledge in opposition to major-general Gray; it was indeed my duty to reside in the cities of Philadelphia and New-York, whilst it was his to be in camps and in action, and aboard frigates; it was my custom to give every hour during my stay in America, to gentlemen of every interest, party, persuasion, or principle, who would come to my table, or would honour me with their visits. Major-general Gray was too good an officer to be so employed: but I do not wish to dwell on this; I sought and had his friendship as far as our different walks in life would allow, and though I do not subscribe to all his political creed, I think him one of those officers whom it is a blessing to this country in times like the present to possess. My reason for now desiring the attention of the House is, that I may say a few words upon the supposed offers, and the supposed menaces of the late American commission, both which

the hon. gentleman is pleased equally to reprobate.

With respect to the offers, I have on a former occasion submitted to the House my sentiments on the caution to be used in discussing this subject; for I still hope and trust, that the colonies will one day be re-united to these kingdoms, on terms advantageous both to them and to us, though those terms may vary much according to the passions and feelings of men, and the circumstances and events of war. I must, however, take a short review of the grounds which the late commissioners stated for negotiation; nor do I desire to call the attention of parliament to the particular situation of our affairs at the date of our first letter to the rebel Congress, or to the considerations which made it expedient to enter into the fullest specification at the first opening. The fact is, that we offered, 1. "To consent to a cessation of hostilities both by sea and land." 2. "To restore free intercourse, to revive mutual affection, and renew the common benefits of naturalization through the several parts of this empire." 3. "To agree that no military forces shall be kept up in the different states of North America without the consent of the general congress or particular assemblies." These offers I allow were absolute and positive. The first and second must of course have been the best and immediate consequences of peace, and if there is any doubt as to the last, I can only say that I do not see the objection; it implied in our minds, and in every man's mind, that the king should retain the supreme command of the military force, whatever it might be, and the nomination of all the officers. And it must be for the safety and interest of each colony to have a force adequate to its own relative situation in this empire.

We also offered, Sir, 1. "To extend every freedom of trade that our respective interests can require." 2. "To concur in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation." 3. "To perpetuate one union by a reciprocal deputation of an agent or agents for the different states, who shall have the privilege of a seat and voice in the parliament of Great Britain, or if sent from Britain, in that case to have a seat and voice in the assemblies of the different states which may be sent, in order to attend to the several interests of those by whom they are deputed."

These offers are qualified both in their expression and obvious meaning, and were matters for negotiation. The expression at the close of the first of them, was not insidious; nor were the persons to whom we addressed ourselves likely to be duped, if we had been capable of wishing to dupe them. I cannot pay a greater compliment to their abilities, than by saying that I believe them nearly as skilful in all the niceties of language, as the hon. gentleman whom I am now endeavouring to answer:—and, besides, we sent a copy of our commission, as the full and fair communication of our powers. From the second of the last mentioned class of proposals, the hon. gentleman contends, that we offered to subject these kingdoms to the payment of the continental debts;—and does he really think that “a concurrence in measures calculated to discharge debts,” implies that the concurring party shall charge himself with those debts? When we talk of “raising the value and credit of the paper circulation,” can it be inferred that we undertake to discharge and annihilate that circulation? Are there no quit-rents, or other royal and national claims of value in America? Is there no possible arrangement by funding or otherwise, which might have helped the poor holders of all the wretched trash now circulating by the Congress, and have given some worth to what is now sinking into nothing? With respect to the last article, I must express my astonishment, that the hon. gentleman who talks sometimes with such sympathy and rapture of the American senators, should feel so degraded by the idea of ever sitting in their company; I shall only say on this proposal, that I did not suggest it, but I very willingly adopted it; it was one proof, among others, of a sincere disposition to conciliate; it might have pleased some men in that point of view; I did not think, however, that it could produce any farther effect. But I should not be sorry, if it were practicable, to see a limited number of colony agents and representatives within these walls.

Lastly, we offered “to establish the power of the respective legislature in each particular state, to settle its revenues, its civil and military establishments, and to exercise a perfect freedom of legislation and internal government; so that the British states throughout North America, acting with us in peace and war, under one common sovereign, may have the irrevocable enjoyment of every privilege that

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is short of a total separation of interests, or consistent with that union of force on which the safety of our common religion and liberty depends.”

So much for the offers! In discussing the supposed menaces, I feel less anxiety and hesitation, because I carry in my pocket the minute which I made immediately after landing in England, when I saw in the public papers the debates which had passed on this subject. The matter was then warm upon my mind. I have not lately referred to it, but the minute was honestly written, and I am not afraid of reading it without reserve. It is as follows—“December 20th, 1778. My late colleague appears to have done ample and honourable justice in the House of Commons to the whole business, and has left little or nothing to be said by me. But if I should be called upon with respect to that paragraph in our manifesto, which has, I see, been represented by some to menace a system of cruelty, unworthy of a great people, and contrary to the practice of civilized nations, I can truly say that I thought it impossible for such a representation to be given any where but in the rebel Congress: and my astonishment is very real on now finding, that many persons within this kingdom, whose judgments and good opinions I very highly respect, have seriously entertained ideas of the passage in question so very different from the sentiments of those who penned it. If, however, there is any demerit in that passage, it will be but fair to exculpate the innocent;—the measure has, I see, been attributed by some debaters to our secretary, and supposed Scotticisms are pointed out in support of that idea. It will be fair, then, to avow, that it was the work of the principals, none of whom I believe ever saw the northern side of the Tweed. They had in their secretary an excellent assistant on many occasions, and profited much by his judgment and abilities. But it happened that this particular measure, involving in itself many serious and weighty matters of decision, for which the principals felt themselves responsible to God and to their country, they were led to adjust it among themselves in repeated discussions; and their minutes delivered to their secretary were verbatim what was afterwards printed.

“Having thus admitted so very intimate a knowledge of the paper in question, I ought at least to be able to say what my own meaning was. I had been the in-

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strument on the part of this country of making offers more explicit and more liberal than any government in any instance of history ever made to its dependencies. What we had said amounted nearly to this: 'We desire you to be our brothers under one father; we claim not pretensions from our eldership; we expect no inequality; we insist only on having one king, one friend, and one enemy, a free union of force and friendship.' What then was their answer? 'We will have a total and eternal separation from you; we have attached ourselves to your inveterate enemy; to that attachment we will adhere.' What then was our natural and obvious reply? 'If you will be considered as Frenchmen, you must and ought to be considered as Frenchmen who are at war with us: the contest is changed: we have hitherto marched through your country, in the daily expectation of sitting once more with you under the shade of the same vine. We marched without raising contributions, without destroying your docks or store-houses, without dismantling your armed towns: we quitted Boston without injury; we evacuated Philadelphia, and left large stores behind us;—we have hitherto treated you as children, or friends under a temporary separation; we must now treat you as you chuse to be treated, as strangers to our blood, professing enmity to us. Recollect then that you are calling upon yourselves and those you pretend to represent, all those severities which the laws and usages of war among civilized nations will warrant, and justify.'

"A short recollection of those laws and usages of war, applied to the past conduct of our armies, is, indeed, a most sufficient defence of the paragraph in question. Nothing in my opinion is more clear, than that the exertions made by this country, previous to the year 1778, have been amply adequate to the reduction of the rebellion; and surely the lenity to which that paragraph alludes, though not the chief cause, is the most creditable cause of our failure; that cause is surely the most flattering both to this country and to the late commanders, and to those who instructed them. In plain English, if this war is to be prosecuted, and that it must be so is a matter, not merely of expedience or justice, but of necessity, it must be followed in a very different system. Not with a wanton inhumanity, unauthorised

by the custom of civilized nations, but with those severities which are usually exercised in our days by one foreign nation at war with another, and which, horrible and calamitous as they appear in fanciful descriptions and declamations, are, in a moral sense, not more so than the common use of the musket, against which less is said, because we are more familiarized to it."

I shall detain the House no longer than to add, that for every part of my conduct in America, I know I am, and ought to be accountable to my country. But when I consider the leading assistance which I had from my colleagues, and the motives under which we all acted, I dread neither the trial of my contemporaries, nor the judgment of posterity. Through the whole, indeed, of this American war, as well in the civil, as in the military measures adopted and pursued, the land-marks of truth are fixed, and permanent. The torrent of my hon. friend's eloquence may obscure or overwhelm them for a day; but the torrent will disappear, the land-marks will remain, and the fair and steady stream of history will continue to flow round them long after that gentleman has lost the talent of commanding the opinions of others, and I the wish to be better able to express my own.

Lord George Germain, in order to convince the House that it would be highly reprehensible for government to offer terms, read a resolution of Congress, in which it was stated that they could not bear to hear the commissioners' proclamation read, because it contained indecent expressions against their good and greatly the king of France. His lordship also read the answer of Congress; and then asked if any member could hear those words, and say he now wished to offer peace to America? His lordship then went on to declare, that it had never been his idea that America could be conquered; that the war had not been conducted with that view; that America had been treated with the utmost forbearance. That he trusted rather to the good sense and feelings of the people of America than to the force of arms; that he had hoped, and he was far from giving up that hope, that America would see her error, that she would discover she could not be truly happy, but when connected with some great power; that she could not form any connection so much for her interest, and so much for her happiness as a connection

with Great Britain; this hope was now very strong in his mind; he had often asserted, and he renewed the assertion, that the majority of the people of America were with us; as a proof of this, we had large corps of provincials in arms in our favour, and he had that very day received a letter from governor Tryon, in which the governor assured him that we had now 7,000 American seamen employed in our privateers. It was the Congress only that opposed a reunion with this country, and even the Congress were far from being of one opinion on the subject. His lordship said it would be the extreme of impolicy to repeal the Prohibitory Act, and took notice of what Mr. Fox had said respecting general Robertson; observing that if that gentleman had paid no attention to what the general said, it was plain his evidence had attracted the notice of other gentlemen, because, old and infirm as general Robertson was, he had been examined three days, had been kept at the bar seven hours at once, and parted with at twelve at night with great reluctance, and not suffered to withdraw until he had been appointed to appear at the rendezvous on Monday. He said, he had called general Robertson, not to examine him to military points, because he thought that House an improper place for a military enquiry, but that he could scarcely get an opportunity of putting those questions to him, for the sake of which he called him, so much were other gentlemen intent on examining him. His lordship concluded with saying, he should give the motion a flat negative.

Mr. Burke ran through all the transactions of the American war, and the humiliating changes of opinion and conduct the ministry had exhibited to the House. He said, that if the concessions made afterwards had been made before the French treaty, peace would have been long since concluded; and he blamed the minister for adjourning the parliament for the Christmas recess, at the very time he knew from lord Stormont, that the treaty was on the point of being concluded. He pronounced this country to be irrecoverably lost if we should be a second time too late, for which reason he should vote for his friend's address.

Mr. Dundas thanked Mr. Burke for his fine speech, and then flatly told him it was very little to the purpose; it might be amusing, but it was not necessary to the question. He then took up the ground of

the address, and said, that it only meant to establish facts already well known; it was acknowledged, that the exertions of this country had been amazing, and that they had failed of success: he should not enter into the cause; but was Great Britain now, when the scales were turning in her favour, tamely to submit to offer the terms that Congress had with disdain refused?

He thought it madness to desire this; and as to repealing the Prohibitory Act, he was totally against it, as being the only coercive measure not to be complained of as sanguinary or cruel. He insisted on it, that the ministry had tried every honourable method to negotiate a peace; but that we ought to go on with spirit, and be reduced to the last resource, before we submitted to acknowledge the independency of America, or to withdraw our troops, and leave the loyal part of the inhabitants of that country to the mercy of the rebels and the French.

The motion was negatived without a division.

Debate on Mr. Thomas Townshend's Motion for an Address to defer the Prorogation of Parliament.] June 15. Mr. Thomas Townshend rose, and prefaced his motion, to address the King not to prorogue the parliament, with a general view of the present state of our affairs. He observed, that ministers had asserted, that the majority of America wished for an accommodation: if this was the case, it was a very strong argument for parliament to continue sitting, that they might co-operate in the much wished for work of peace. It had been said, indeed, that the crown might call them together at fourteen days notice; he denied, however, that the Militia Act of 1776 gave them any such powers in the present case; he took notice of the preparations of France, and the alarming prospect of a speedy rupture with Spain, while our resources were drained by the horrid war with America; France had not as yet made exertions in any degree proportioned to those which she had made for several years past; she had a fleet nearly equal to our own; and fatal, indeed, might be the result, if Spain, who was fresh for the contest, whose fleets had not been beaten, whose resources had not been wasted, should throw her weight into the scale. With regard to Ireland, from her defenceless and miserable condition, she was an inviting object of attack;

and treated as she had been, goaded and persecuted, injured and oppressed, mocked and insulted year after year, what must be her feelings? Every session hopes of redress had been held out to her, and as constantly disappointed. He besought ministers to consider, that it was their wretched, miserable plan of procrastination which lost us America. He had never heard those who supported the characters of the ministers the most zealously, go farther in their vindication of their measures with regard to America than this: "Their measures" they say, "were right in themselves, but unfortunately every step was taken a year too late:" that is, that the measures of 1775 ought to have been those of 1774, those of 1776 those of 1775, those of 1777 those of 1776, and those of 1778 those of 1777. Let them, said he, keep this unfortunate circumstance in their minds, and beware of the same mistake in the affairs of Ireland; they will perhaps find, that the measures which they intend to take in favour of Ireland may be ineffectual in 1780, though they might have produced every desired end in 1779. Discontent and insurrection may be easily prevented in time, but we have woeful experience, that if once raised they are not easily quelled. Among the many alarming circumstances of the present times, he particularly adverted to the total want of foreign alliances. He dwelt for some time on this matter with great energy.

After discussing these topics, he proceeded to make some pointed observations on the present state of the American enquiry, which he thought was one of the strongest arguments for his motion. To prorogue parliament, in the present stage of it, would be to injure the public, who had a right to have the affair sifted to the bottom, as well as to the commanders, who have had fresh charges brought against them by the witnesses adduced by the noble lord, and who will not, if parliament is immediately prorogued, have an opportunity of doing justice to themselves on those charges, either by a cross-examination, or by what is much more material, the production of fresh witnesses to contradict the new evidence. The commissioners who had been sent to America, he could not but observe, had exerted their first endeavours to procure peace, but they had been still more industrious to collect matter of accusation against the commanders in chief. This was observa-

ble by the turn of their questions in this enquiry, and the assiduity and spirit, not to say acrimony, with which they had examined the witnesses. After bestowing the warmest encomiums on lord Cornwallis, he observed, that his first answer was the most honourable panegyric on sir W. Howe, whose activity the noble lord had highly commended, professing himself "happy in a public opportunity to declare his great regard and veneration for the character of sir W. Howe," and adding, "that, in his opinion, sir William had deserved greatly of his country, which he had served with fidelity, assiduity, and great ability." He took notice of the difference of the conduct of lord Cornwallis and general Grey with regard to answering matters of opinion. As circumstances then stood, he thought them both right. General Grey was not to return to America, it was therefore his duty as well as his right to deliver his opinions concerning the operations and practicability of the war, and the temper of the inhabitants; but had lord Cornwallis, who was to return to America, where the command in chief might devolve on him, given his opinions, he might have been embarrassed by them, as he might see reason to change them, and they would certainly be made use of against him if he failed of success. He believed however if the noble lord had been called to a second examination, after opinions had been given by others, he would readily have declared his own. He then proceeded to draw a comparison between the evidence of generals Grey and Robertson. General Grey, he observed, was one of the most respectable officers in the British or any other service; he had served with the greatest reputation both in Germany and America; though he gave his opinions frankly, he was not a man to take them up lightly. With regard to general Robertson, he was a very able and deserving officer; but general Grey gave his opinions of the strength of the country from experience, general Robertson only from seeing some parts of it with a military eye. General Grey gave no opinions of what happened before he came, or of what he did not himself see. His services, and those of lord Cornwallis, had been as enterprising and as active, though not, he believed, so lucrative as those of general Robertson; they both stand as high in the estimation of military men as any officers in the service; they are both

remarkable for nothing more than their spirit of enterprize. Much had been said of the length of general Robertson's evidence;—many causes contributed to it. Lord George Germain had started many new topics,—he had asked questions concerning plundering, not protecting the inhabitants, and not forming corps of loyal provincials. Governor Johnstone had touched on the ill-package of goods and stores taken from Boston, and the not fortifying the islands in the bay; and besides, as direct answers could not be got from the general, it was necessary to ask five or six to get an answer to one question.

Having dwelt for some time on these matters, Mr. Townshend adverted to the ministerial accounts of the loyalty of two thirds of the Americans; if this was true, he could not account for the number of refugees now in England. Two thirds of the people, supported by an army of 60,000 men, exclusive of an American army in the service of government, stated as much superior to that in arms against Great Britain, ought to have dispossessed Congress of their power; he, for his part however, did not believe these accounts; they outraged common sense; they were contradicted by daily experience. Mr. Galloway, he understood, was to be the next witness; he did not mean to reflect on him, he should shew his ignorance and malevolence if he did. That gentleman, he heard twenty years ago, was a man of very considerable abilities; he was elected a member of the first Congress; general Robertson had described the election of that Congress in these words: "the most violent of the Americans chose the most violent among themselves." He had left that Congress, and had come over to sir W. Howe. Since the evacuation of Philadelphia, he had found his way to England, and was now under the protection and in the pay of government. He did not mention that last circumstance by way of reproach; he thought the ministers highly blameable, if he did not receive some provision from them; it was a circumstance, however, which would set his evidence, if he should be the next witness examined, in a very invidious light; any accusation he might bring against the general would have a very unfavourable appearance, if brought at a time when he can receive neither cross-examination nor contradiction. Did ministry, he asked, wish to drive from the service, at this time,

the officers who were now the objects of enquiry? had they not already almost dismantled it by stripping it of the great men who had been obliged to decline command? he wished them seriously to think how they added to that number. The noble lord had proposed some questions concerning the landing at Quebec;—had he forgotten who led the light infantry, who led the advanced guard—he had almost said, the forlorn hope of that army? It was sir William Howe—it was that sir William Howe, who was now the object of their attack.

He reprobated very warmly the wretched policy of the present ministers with regard to those whom they employ. There lurks, he observed, in every branch of the service, something that is greater and more powerful than the commander in chief,—somebody whom no favours can oblige, no confidence attach.—If an officer has success, it is well;—but if he fails, there is somebody to be brought forward, who is to traduce his measures, and to stab his character. The court confers command in one place, and confidence in another, it is a vice that runs through every department. Perhaps there lurks at this moment in sir Henry Clinton's army, some dark assassin, some skulking spy, to watch his actions, to treasure up every little incident, and if he fails of that success which has been represented as almost certain, to become his accuser. That hon. commander has already received one specimen of the good-will of ministers. Perhaps there is some person waiting to perform the like good office to lord Cornwallis, on whom the command may devolve; for him he could not but most sensibly feel; he was almost as near to him in blood, and as near in friendship and affection, as a brother; he could not but call to mind the zeal with which he had served, and the heavy price he had paid in family distress for indulging his passion for the service of his country.

He concluded by observing, that he should have thought himself fully justified in his motion, by the general state of public affairs; but that the present state of the enquiry made it an object of parliamentary justice. When two parties were at issue, and one of them had it in his power to stop the process when he pleased, it became the House to interpose, and to prevent an abrupt end being put to the business, at the time when the state of the evidence is most advantageous to that

party, and most injurious to the other. He therefore moved,

"That an humble Address be presented to his Majesty, to express the deep concern his faithful Commons feel, for the series of disappointments and calamitous events that have attended the American war :

"That, impressed with the duty they owe to the public in their capacity of a national inquest, they have been some time engaged in endeavours to investigate the causes of such misfortunes :

"That, in the progress of their enquiry, much important matter has appeared respecting the deliberative and the executive conduct of the war ; that the part of the examination immediately before them promises discoveries into many other objects that it may be highly essential to lay before his Majesty, in order to enable his Majesty to form a just judgment upon past measures, and to assist his future councils :

"That an interruption in their proceeding, at the present crisis, would not only defeat these great and necessary purposes, but also would be subversive of the justice due to characters of persons in great office among his Majesty's confidential servants, and others of high rank in his army, which stand at present committed by contradictory evidence in matter of opinion, and by obscure, because imperfect, evidence, in matter of fact :

"For these reasons, and others, that are but too distinctly pointed out by the exigencies of the time, they humbly implore his Majesty, not to prorogue the parliament before the present enquiry shall be finished ; and they beg leave to assure his Majesty, that they will cheerfully forego all consideration of the private benefits and comforts of a recess, to prosecute a duty highly conducive to the public satisfaction, and in the course of which lights may be received of the utmost importance to the policy, if not to the salvation, of the state."

Sir Robert Clayton seconded the motion.

Lord Beauchamp said, that the sitting of parliament would not conduce to more vigorous and effective exertions on our part, for that we were not able to do more, though Spain should declare in favour of France, on the probability of which he did not pretend to decide. Respecting Ireland, he mentioned several instances of the loyalty and affection of that country ; and said the rumours of an insurrection in

the county of Monaghan arose only from the people of property in that county, each individual of whom bore their own expences, proceeding to an election of their own officers ; and that Ireland, whatever her just complaints might have been, no longer had reason to doubt of the sincerity of Great Britain, as the nation, through the medium of both Houses of Parliament, stood solemnly pledged to redress the grievances of that country, by an unanimous vote of both Houses. As to the sitting of parliament, to consider of proper terms to be revived or offered to America, that was totally unnecessary ; because overtures to America had been already made, and rejected ; and before any farther steps could be taken towards a conciliation, overtures must first come from America. And as to keeping parliament sitting for the purpose of going through the evidence in the committee to enquire into the conduct of the American war, it was, in his opinion, entirely unnecessary. The commanders had been charged, out of doors, with misconduct ; they had been permitted to bring evidence to justify their conduct, and screen themselves. Their defence involved an implied censure upon the noble lord the American secretary. It was proper, therefore, that his lordship should be heard in reply. It was proposed not to deny him this act of indifferent justice ; consequently, if the committee should stop short, he did not see how either side could reasonably complain ; and as for commenting on the evidence given in a committee, he begged pardon of the right hon. gentleman who made the motion ; but he believed till the House was in possession regularly of that evidence, it was extremely irregular to comment or argue upon it, so as to influence or direct the judgment of the House. His lordship moved the order of the day, by way of the previous question ; not wishing he said to give a negative to a measure which, if rightly timed, or necessary from the existing state of affairs, might become extremely proper.

Governor Johnstone replied, to what he deemed the personal charges made by the hon. mover ; and which, though equally applicable to the rest of his brother commissioners, bore the appearance of being particularly levelled against him. He would not say that those charges were malicious, because he knew the hon. gentleman was superior to any motives of faction or malice ; but he could not help ob-

serving, but for that circumstance, they bore every appearance of it. The hon. gentleman had particularly alluded to his examining general Robertson respecting the evacuation of Boston, and of his minutely enquiring into the number and quality of every bale of goods which was left behind. Nothing could be more unjust, respecting that part of his intentions, in wishing to be informed particularly as to the evacuation of Boston, than those imputed to him by the hon. gentleman. He had other reasons for putting questions on that subject. He knew the hurry and confusion resulting from such a situation too well to suppose that the regular and proper arrangements of an unembarrassed evacuation could be minutely attended to. He did not look for it; he did not expect it.

A principal motive he had for pushing that part of the examination alluded to by the hon. gentleman was of a private as well as of a public nature. The widow and relations of the late capt. Banks, who said, if Governor's, or some other island in Boston harbour, had been fortified, he could have kept his station, in order to protect the victuallers, store-ships, &c. when sir W. Howe evacuated that town: but that being neglected, he was prevented by a battery on shore, which annoyed him in his station. This was the reason why he examined general Robertson closely on that subject. He thought, from sir W. Howe's letter to lord Dartmouth, on the 9th Oct. 1775, and in a subsequent letter to the same noble lord, on the same subject, recommending, or rather suggesting the propriety and apparent necessity of fortifying that island, that before the general left Boston he would have given orders for carrying into execution a measure which he himself seemed so warmly to approve; nay, the general had actually given orders for taking a survey, and seeing and fixing on the most proper spot to erect the proposed defences, in order to counteract any batteries or defences on shore, which might be erected in case of an evacuation. But no such defences had been erected; and, on that presumed neglect, the late captain Banks had founded his justification, in not remaining on his station, to protect the victuallers, store-ships, &c. daily expected from Europe; and which, from that circumstance, had fallen into the hands of the enemy, much to their advantage, and our detriment and damage. It had come out in the course

of the examination, however, he was free to acknowledge, that a ship of war had kept the same station which captain Banks deemed dangerous and untenable, for eight days, which shewed that the neglecting to fortify the island was not a matter of such importance as he was at first led to imagine; though still he could not see any reason which could induce the general to neglect to give the necessary directions, because its being fortified would have precluded a possibility of excuse.

It was strongly insinuated, though not asserted by the hon. gentleman, that he wished to criminate the commander-in-chief. He was sure he could not have any interest, nor could he gratify any resentment, for he retained none against the hon. general. He had the honour of knowing him personally; he had the highest sense of the zeal, alacrity, and spirit manifested in the service of his country. When he said this, he neither wanted to qualify his words or his general opinions. What he said, he said openly; he never was, nor believed ever would be, reconciled to the expedition to the southward. He had an high opinion of the professional ability and personal integrity of general Grey, but he was not yet convinced how operations by Chesapeake could promise to be the best co-operation with general Burgoyne down Hudson's River. From the first moment he gave an opinion in that House, since the commencement of the present session, he expressed his disapprobation of the quitting the Jerseys, and going to the southward by sea. He was no military man, but from what he could gather from the evidence at the bar, he had heard nothing sufficient to induce him to alter his opinion; that dulness might proceed from his want of discrimination, but such as his judgment was, he must abide by it; it ought and would be his only guide; consequently, till he heard better reasons than any that had been yet assigned, he must continue of his former opinion that the best mode of co-operating with general Burgoyne in the neighbourhood of Albany, was not to go round by Chesapeake, and carry on operations at some hundred miles distance.

The hon. gentleman animadverted with great severity on the evidence delivered at the bar by general Robertson. He has described him, as giving opinions on which he was not competent to speak, because he was then in his military government of

New-York, but I should have imagined that the hon. gentleman would have given the general some degree of credit for his long experience in the service; for his local knowledge of the country; for the very high opinion entertained of his military knowledge and experience, by sir W. Howe, his principal in command. I observe from a letter, written by sir W. Howe, that when the rebels began to fortify themselves on Dorchester Neck and heights over Boston, that general Robertson offered to attack them before they had effected their purposes, which attack would have taken place, but from accidents of wind and weather. It is well known that if they had been driven from that post, the royal army could have remained in Boston, as long as it appeared convenient, and have quitted it at pleasure, and without a risk of inconvenience or hazard. There is another letter in the correspondence, in which sir W. Howe, as well as in the former, bestows high commendations on general Robertson, and desires that he may be again sent to America, as an able and useful officer. This testimony of the commander-in-chief, in general Robertson's favour, goes, I confess, a great way in confirming me in the opinion I entertained of his abilities and integrity; because it happened at a time when nothing but duty, impartiality, and conviction, could be the ground of such an opinion.

The hon. gentleman has not only commented on the evidence already given, however informal the procedure may be, but has even commented on the supposed motives which may influence Mr. Galloway, who has not yet been at your bar, in the testimony he shall give when examined. Mr. Galloway has been a member of Congress; he was driven from that assembly; he went over to New-York; he flew to this country, and he is now supported, and countenanced by administration, says the hon. gentleman. This all may be, and I believe is, very true; but I will tell the hon. gentleman a circumstance which he does not know, or has forgot; that this same Mr. Galloway once enjoyed the strongest marks of favour from the commander-in-chief, and the noble commissioner his brother; that he was once caressed and confided in by them; and it is fair to conclude, if Mr. Galloway was not a worthy, as well as an able man, he would never have been able to procure the friendship of the hon. commander-in-chief, and the noble admiral. I remember a time

too, and not long since, when general Robertson's opinions as an officer, and a person long acquainted by his local residence in America, were held in great esteem by some of the friends of the right hon. gentleman. I well recollect, when general Robertson's opinions went to condemn measures of mere force, how strongly they impressed themselves upon the minds of many of those with whom I had then the honour of acting and agreeing in opinion; and I confess my astonishment, when I hear some of those very gentlemen differ from general Robertson, or rather shew an inclination to discredit his evidence upon a change of sentiments in the people of America, not then in existence.

As to the propriety of proceeding in the enquiry, it appears to me that it should be continued as long as any colour of convenience or benefit will admit. I would wish to have the gentlemen that are to be called on the part of the noble lord, examined. I would, from the same motives, be desirous of hearing witnesses to material points on the part of the hon. commander in chief, in order to controvert, if in his power, any part of the evidence adduced on the other side, which he may imagine had borne hard upon his conduct. Farther than this, I fear we shall not be able to go; so far we ought, in my opinion, to proceed: and when these objects are obtained to the satisfaction of both parties, I would then recommend to have the minutes preserved, as parliamentary documents, proper to be taken up, and followed with farther evidence, in the course of the next session, till parliament and the people at large may be fully enabled to judge on the conduct of ministers and generals, and as well be enabled to judge of the measures already adopted, as to determine on what may be proper to adopt hereafter.

The gentlemen who may probably support this motion, will press the necessity of agreeing to terms of any kind almost with America; for my part, I shall never agree to any terms, tending to effect a separation between Great Britain and America. I always thought that ministers were to blame; that they were ignorant and misled in insisting that America, in the early stages of this business, wished any thing more than to be exempted from taxation, nor thought of independence, till forced into it by the oppressive, unconstitutional, and unjust claims of this country. I still retain the same opinion. I

am farther confirmed in the same sentiments, by every day's experience. Almost every man in America would resist taxation; that, clearly relinquished on our part, as it has been, marks the line of departure between the loyal and constitutional part of the people, and those who would league themselves with a foreign foe for our destruction, in support of an unnatural and impolitic independence, in order to retain their own personal consequence, and the usurped powers they are now in possession of.

Sir William Howe made a short reply to a passage in governor Johnstone's speech, in which that gentleman affirmed, that sir William declared, he had no charge whatever to make against lord George Germain. If the hon. gentleman had confined his assertion to a preceding period of the business, it might be well supported; for he could fairly say, his motive for urging the House to appoint a committee to enquire into his conduct, was to clear himself from those cruel and unjust aspersions which had been thrown on his character, without doors, and the particular charges made by the hon. gentleman who spoke last. His examination went solely to his own exculpation, and was not directed against the conduct of the noble lord. But as, in the course of the enquiry, the noble lord had made a speech full of the strongest accusations of incapacity and neglect, and had followed those accusations with calling a witness to the bar, who, not confining himself to them, had been questioned in such a manner as bore an apparent design of condemning every part of his conduct throughout the whole progress of the American war; surely, it was a very extraordinary conclusion to say, that wishing to be heard in his defence, amounted to an avowed intention, on his part, of accusing the American minister. If his own exculpation should involve in it an impeachment of the conduct of the American minister, so far he was an accuser, and no farther; but to presume, that while he was defending his own honour and character, he was acting the part of an accuser, was not an inference supported either by candour or truth; while, on the other hand, it would be equally improper and foolish for him to pretend to prejudice the noble lord's conduct, or anticipate the decision of the committee, by affirming, in his place, that it was his opinion, that the noble lord was totally blameless. The decision must rest with the committee;

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and to that, whatever it might be, both the noble lord and he must submit, their opinions for or against each other being of very little avail.

Mr. Conolly said, he agreed with lord Beauchamp, in one sentiment, that parliament could do no good, if kept sitting; and he would farther add, that he never knew them, since they first sat, do any good, though he was sorry to say, that he was well convinced they had done much mischief.

General Burgoyne then rose, and begged the patient hearing of the House, it being possibly the last time he should ever trouble them. He then enumerated the several acts of injustice he had experienced from ministers, and their friends in that House, and the various modes devised by them to stop all enquiry into his conduct. Thank God, however, ministers were obliged to give way to the feelings of the House, and the committee was permitted to proceed! How often had it been asserted in the House, by persons of great authority, that when he passed the frontier of Canada, he had twelve, at least ten thousand men under his command? Was that the case? Was it not in proof on the table that he had not five, independent of the savages? How often had it been asserted, that the passage of the Hudson's River, and almost every previous and subsequent operation of the campaign, was contrary to the opinion and approbation of general Fraser? He hoped the fallacy of such an ill-founded charge was made sufficiently manifest, even to his most inveterate persecutors. How often had it been urged by persons in that House, that he had in the face of an undisciplined rabble, a raw militia, far from being numerous, consented that 5,000 British troops should disgracefully pile up their arms, though it had been proved by the returns of both armies, and by the testimony of several most respectable witnesses, that the enemy were at least four times more numerous, were well disciplined, and that the number of troops which piled up their arms, British and Germans, fell short of 3,500? Was it not urged, with the most shameless confidence, in that House, that, previous to the signing of the convention at Saratoga, general Phillips made an offer to force his way back to Ticonderoga with part of the army; while from the written evidence on the table, in a letter to the secretary of state, still farther authenticated by two or three respectable wit-

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nesses present when the offer was made, it appears that the offer was not to force his way back to Ticonderoga with a part of the army, but with a guide or two, in order to defend that place, should the rebels think proper to attack it?

After referring to almost every particular charge of military misconduct urged against him, and shewing, in the same manner, how fully they had been refuted, he begged the farther indulgence of the House to explain what he meant, by saying that this would possibly be the last day he should ever rise or speak in that House. This could not be effected agreeably to his wishes, without recalling to the House particulars he often before had occasion to trouble it with, though not perhaps in the present arranged and collected manner. As soon as the disaster happened at Saratoga, and the necessary difficulty relative to the fulfilling of the terms of the convention, so far as his presence was necessary, or could be conducive to that end, he applied to Congress for permission to return to England. His reasons were many and important, as the sequel fully proved. He had sufficient experience of the conduct of ministers, to suspect that they would endeavour to screen their own ignorance and incapacity, by endeavouring to throw the blame upon him; he therefore thought it his duty to take the proper steps to vindicate his own honour, not as it had been often falsely suggested in that House, to accuse them, in order to screen himself, or turn the popular current in his favour. On his arrival, he was cordially received by the American minister, until it was found that no temptation, however powerful and hazardous, however pregnant with danger, could allure or frighten him from his immoveable purpose, of vindicating his professional honour, which would of course call the conduct of ministers, particularly of the noble lord over-against him, into question.

From the instant this purpose was clearly understood, his character and fortunes were proscribed; and every measure was adopted most likely to complete every species of ruin, and to prepare the public for the daily falsehoods and misrepresentations which were set forth in print, or conversations. But still injustice must be accompanied with great art. Foreseeing that he would immediately have insisted upon a court-martial, which would have fully exculpated him in the opinion of his

sovereign and the public, they convened five general officers, to give an opinion, whether he was amenable to a military tribunal, who were of opinion, that he could not be tried, till released from the terms of the convention. What then was his situation? Shut out from the presence of his sovereign, disgraced and prejudged by his fellow citizens, he had no other course to take, but submit to the arbitrary will of his oppressors and persecutors: to surrender all pretence to conduct and military character, or commit all his future prospects to the issue of a public appeal. He made the latter option, and, thank God! had confounded his enemies. He did not take this step, however, merely upon personal motives; he was urged to it by strong national considerations; for he at length saw, that if he had been base and pusillanimous enough to submit to the ideas of ministers, such a submission would establish almost dangerous and mischievous precedent; it would go to the extinction of all military honour; it would break the proper connection between the persons intrusted with the exercise of the executive power and the military: it would reduce every man, who accepted a command under such men, to a state of ministerial slavery; and, finally, it would establish a system of implicit obedience and servile acquiescence, totally incompatible with that spirit of freedom which he trusted ever would inseparably mix itself in the character and conduct of a British officer.

On these motives, both private and public, as well as on account of the manifest weakness and incapacity of the persons presiding in the King's councils, soon after his arrival, he went into opposition. He had sufficient reason indeed; fatal experience had taught him what he was to expect from their justice; the alarming state of the country, and the tremendous prospects which presented themselves on every side, afforded ample testimonies of their abilities; they were no longer worthy of public trust, and the greatest service which he could render to his country was, by endeavouring to point out those measures, and the authors of them, which promised, sooner or later, to lead this country to inevitable destruction.

The parliament, however, had not been prorogued above two or three days, when he received a letter to repair for Boston, to join his captive army. He represented against that hardship. In a few weeks after, he received another letter, through

the same channel, repeating the same order. These, surely, were the malicious revenges of weak and malicious men. This last letter was likewise conditional; but if it had not, but had been positive, he confessed he would not have obeyed it, but would have laid the fruits of 40 years service at his Majesty's feet, sooner than comply, or give his enemies cause of triumph. This part of his conduct had been much canvassed by certain persons; but he should ever be of opinion, that the English citizen is never lost in the soldier, and that the latter capacity does not compel a man to submit to oppression and injustice. Indeed, if it did, he believed the British army would be soon disrobed of its best officers.

He then returned to his former ground, respecting the various calumnies and false assertions that had been made relative to his military and civil conduct, as well within as without that House; and observed, that when every other calumny had been refuted, his enemies had propagated reports and insinuations that he had tampered with the public purse. He had it not in his power to do it, if he had the inclination: he proved at the bar that he had neither. Thank God, his hands were clean! and he should only add one circumstance more, that if he could come to the knowledge of the base calumniator, who first propagated or circulated this notorious falsehood, he would most assuredly make his heart ache.

He then informed the House, that his object for remaining in England, that of vindicating his character, being at an end, should orders be now issued to redeliver him into captivity, he was ready to obey. He understood there was but one witness, should the committee of enquiry proceed farther, to be examined on the other side. He was willing to trust the issue to the evidence already on the table. His public accounts, with all his assiduities to have them settled, were not adjusted; but such was the consciousness of his own rectitude, that he could leave them to be examined and finally adjusted, even by his most inveterate enemies. These were his present intentions, and considering his precarious state of health, and how unfavourable an American winter was to his constitution, he believed he was tolerably well justified in his expression when he rose, that it was the last time he should ever rise to speak in that House.

Mr. Dundas said, that the hon. general

had presumed he had been perfectly justified in the opinion of the House, from the evidence on the table. For his part, he drew a different conclusion from that evidence; but even if it were more favourable than it appeared to him to be, he thought it extremely irregular and improper to state any part of it, or argue and draw deductions, till the contents were reported to the House. He was one of the persons alluded to in the hon. general's speech, he having censured his conduct. He acknowledged it; and had heard nothing to induce him to change his opinion. He thought that the loss of the northern army was the great cause of every subsequent disappointment; and he was not backward to repeat, that he thought that loss was imputable to the general. After speaking in this strain, he turned to the question respecting Ireland. He said, full satisfaction had been given to that country by the unanimous votes of both Houses; and as to keeping the parliament sitting for the purpose of assisting the ministers with their advice, he ridiculed the idea as infinitely absurd and ridiculous. He said, that deliberative assemblies had nothing to do with military operations. The Romans, so far from consulting the senate, or keeping them sitting in times of difficulty and danger, armed the executive part of the state with the most ample and extensive power: nay, they went farther, they suspended all the civil functions of the constitution, and vested the whole civil and military powers of the state in one man, under the name of a Dictator. Instead of keeping the senate sitting after the battle of Cannæ, they appointed a dictator, and by that means saved their country, and escaped that destruction Hannibal was meditating. As to the keeping the House sitting, for the purpose of going on with the enquiry into the conduct of the American war, it was still, if possible, more ridiculous than the former. There would be no attendance; it would take up too much time, and would end in nothing. For his part, he had heard nothing proved which made any impression but what he formerly retained. He thought the force was adequate. He disapproved of the expedition to the southward, before the committee was instituted; he thought so still. Gentlemen on both sides of the House came down with prejudices. They heard every thing through a false medium, and drew conclusions accordingly, as they were

more or less affected by those prejudices. He disapproved going into a committee at all. He disapproved of the manner in which it had been conducted; and in his opinion, the sooner it should be dissolved the better. He said he could not help observing a very improper expression which fell from the hon. general, where he said he had disobeyed, and would disobey, a military order which came from his Majesty; and imputed that order to his Majesty's ministers. This, he said, was language he would never permit to pass unnoticed. His Majesty was at the head of the military; he was commander in chief of the land forces, and captain general: he would have that hon. gentleman to consider the consequences of a positive refusal to a positive order, issued by his Majesty: he doubted not but it would be not only disobedience, but worse. He was proceeding, but was called to order by three or four members. He still persisted, till called upon from the chair.

The *Speaker* said, that certainly to speak of the King's name in debate, was disorderly, and therefore he must interrupt him.

Mr. *Fox* said, it was disorderly to refer to any one public act of his Majesty, civil or military, without presuming he was advised to it.

Mr. *Dundas* insisted that he had been improperly interrupted by the chair, when he was saying no more than that issuing a military order did not require that species of advice which was supposed to accompany the King's speech. A very great clamour now arose, and a cry of Chair! Chair!

The *Speaker* said, he had not interrupted the learned gentleman improperly; for no member had any right to use the King's name in a debate of what his Majesty did or wished, &c. and the principal reason of that order was, lest the introduction of his Majesty's name might have the appearance of influencing the decision from improper motives.

Mr. *Dundas* rose again in great heat, repeated his former arguments, and said, he disregarded the opinions of any man.

Lord *John Cavendish* said, the true point of order was this; that the king's name ought never to be mentioned in a debate in that House; that the true parliamentary language was, "the crown," which it was well known could exercise no one act of magi-tracy or power, respecting the public, without being advised;

to consider the King, therefore, in his personal capacity, was extremely unparliamentary: if the order referred to was issued, it was against every principle of the constitution, even to presume for an instant that it was not done by advice.

Mr. *Dundas* was again proceeding to controvert the opinion given by the chair; but was compelled to sit down amidst a storm of disapprobation.

Mr. *Burke* observed, that the learned gentleman acknowledged he came down with prejudices; that he had pre-judged the cause; and shut his ears against all evidence, and if a person had risen from the dead, that he was resolved to retain his prejudices, and prejudices too of a very extraordinary nature; for those prejudices arose merely in the learned gentleman's own breast, without any information whatever, and went—to what? To a decided opinion on the conduct of the two generals, upon which he confessed, that not only himself, but the whole House of Commons, were incompetent to give an opinion. After holding out the monstrous absurdity, and blind confidence of such a mode of reasoning, he said he was much puzzled to account for it, till he recollected another expression which fell from the learned gentleman. Says he, "I do not care what any man thinks of me." There at once was an end of the matter; his whole conduct and sentiments are exactly correspondent. He tells you in one part of his speech, "I came down to the committee, with incurable prejudices; I was not informed, and was determined not to be informed;" and what is his reason? a very apt one indeed! Because, says the learned gentleman, "I do not care what any man alive thinks of my conduct." The learned gentleman has said, the House was wrong in instituting the committee; the committee have acted improperly in their mode of proceeding, and the folly and inefficacy of the enquiry will be proved by the issue. The learned gentleman, it was true, had not been called to order for such disrespectful and unparliamentary language, and he was glad of it; because he perceived, that he did not seem to bear the trifling contradiction given to his opinions with that degree of gravity, respect, and deference, which might be looked for, from a person of his known abilities and long parliamentary experience; but in his cooler moments, he presumed, he would reflect, that it was not quite so decent to condemn the proceed-

ings of the House and committee, and by that means endeavour to turn aside the current of justice, by impeaching the wisdom and competency of the tribunal. As to the dictatorship, so warmly recommended by the hon. gentleman, though he had an high opinion of his abilities as a politician, he had never contemplated him in his new character of historian. He had no doubt of his being equally great in both. One word, however, would suffice on that head: he had heard the learned gentleman often charge his friends with "dormancy;" it was a new word, lately coined by a member of Congress; but if it was not a proper one he would say somnolency. He desired to know, therefore, if, in his opinion, the dormancy or somnolency of either of the noble lords near him (North and Germain) fitted them for the post of dictator, generalissimo, or captain general? He then begged to appeal to the feelings of the learned gentleman, to describe what kind of mind that man must possess, who beginning his race of politics with starvation, would wish to conclude it with the destruction of those who had escaped famine, by the means of the tender mercies of an Indian war, and the indiscriminate slaughter of all ages and sexes, who were protected by the most rigid rules of civilized war, from those mischiefs they were unable and disqualified to inflict.

Mr. Fox next rose. His personal allusions, as connected with the debate, were mostly directed to the general conduct of his hon. friend, governor Johnstone. My hon. friend, said he, has told us, that he never left opposition till they shewed an intention of declaring America independent. So far as the rights of America were concerned; so far as the claim of taxation was insisted upon; so far as an unconditional submission on the part of freemen was expected; so far was his hon. friend a zealous opposer of government; but the very instant those unjust and unconstitutional claims were given up, that very instant marked, said he, my line of departure. This is the language of my hon. friend; he affects to speak out boldly, he affects to condemn ministers, but upon what ground? An evidence, who has been four days at your bar, goes to support my hon. friend's opinions to his point of departure; but what else has he said? That two thirds, if not a greater proportion of the people of America, are ready to come in under the offers held out by the

commission. Where is the commission? Where are the powers derived under it? They are no more. Administration has actually refused to re-produce them into being. The noble lord over-against me has more than thrice affirmed, that we are not bound by the offers held out by the commissioners, because those offers were rejected. To what, then, does general Robertson's evidence tend, and what is become of my hon. friend's line or landmark of departure? Just where the dispute commenced. Provinces, districts, and individuals, may offer to submit; if their submissions are accepted of they will be declared at the King's peace. Georgia already stands in that predicament: that province is declared at the King's peace. I would therefore wish to know on what ground my hon. friend votes and speaks in favour of the present system of American measures? for they are precisely what they were before he took his departure. Taxation, it may be said, is excepted, because an act still continues on your statute-books, which relinquishes that claim. But will my hon. friend contend, according to times and circumstances, that the same power which enacted that law, is not competent to repeal it, or that there is one solid or substantial security that ministers and this House will not relapse into the same spirit of injustice that this country testified in her hour of insolence?

I know my hon. friend's disposition and temper too well, not to be convinced that it is a mere want of attention that has induced him to support administration in their present system of measures respecting America; and I trust he will be persuaded that I had no other motives for aluding so particularly to him, but to remind him that ministers at this very day hold the same language as they did before he took his line of departure.

Mr. Fox observed, it was rather a little ominous, that it was the same noble lord that moved the question of adjournment that day, who moved the other fatal previous question early in December, 1777, soon after an account of the capture of his hon. friend at Saratoga reached England.* The same arguments were used that day as on the present. The minister made the same apology as that made now; that

* On Mr. Wilkes's Motion, for the Repeal of the American Declaratory Act, see Vol. 19, p. 576.

there was a law in being which empowered his Majesty's commissioners to act; that the season was critical and alarming; that it was time to act, and not to speak; and that ministers would, in the course of the ensuing recess, adopt measures for an amicable termination of our differences with America. What was the consequence? The noble lord's negative to a vote of adjournment succeeded then as it would probably now. Parliament was prorogued for six weeks, from December the 10th to January the 22nd; and before it met again the treaty between France and America was in such a state of forwardness, that before any proposition was made in parliament to concede to the wishes of America, the French treaty was signed; whereas, if instead of adjourning the parliament had continued to sit, the cession of claim on our part introduced by the noble lord in the blue ribbon, on February the 16th, might have been made on December the 16th, and an immediate account been transmitted to America, when, if upon no other account, we should have prevailed on Congress to agree to the proposed cession, by out-bidding France.

His hon. friend (Mr. Burke) had assured the House, that Spain was hostile. For his part, whatever reasons he might have to be of the same opinion, he could not pronounce that the fact was exactly as it had been stated; but taking it for granted that it was so, what would be the situation of this country? Spain, France, and America leagued against us, our old measures respecting the latter taken up *de novo*, and the very existence of this country committed to the unequal contest. He confessed he felt most sincerely for the disagreeable lot which had fallen to his noble friend (lord Beauchamp) who had been so unluckily selected upon both occasions, to stand forth as the proposer of two measures, one of which had led the way to, as the other would, he feared, finally complete, the destruction of this country.

He went into the state of Ireland, and after mentioning that the principles of government, as applied to Ireland, were now much the subject of discussion in that kingdom, recommended to the notice of that House a pamphlet he had lately read, and which had been recently published under the title of "Observations respecting the extent of the power of the British parliament, principally with relation to Ireland, in a letter to sir William Black-

stone:" this pamphlet, he declared, was a most weighty and able production, the author of which, in a very masterly manner, had considered the principles of this government as applied to Ireland, and reasoned upon them in a manner, well worth the consideration of every man who had the interest of the two countries at heart, and upon such grounds as ought to call forth the most serious attention of the minister.

Lord Beauchamp withdrew his motion, and the House divided on the original motion. Yeas 70: Noes 142. So it passed in the negative.

The King's Message respecting the Spanish Manifesto.] June 17. Viscount Weymouth delivered the following Message to the Lords from his Majesty:

"GEORGE R.

"The ambassador of the king of Spain having delivered a Paper to lord viscount Weymouth, and signified, that he has received orders from his court immediately to withdraw from this country, his Majesty has judged it necessary to direct a copy of that Paper to be laid before the House of Lords, as a matter of the highest importance to his crown and people; and his Majesty acquaints them at the same time, that he has found himself obliged, in consequence of this hostile declaration, to recall his ambassador from Madrid.

"His Majesty declares, in the most solemn manner, that his desire to preserve and to cultivate peace and friendly intercourse with the court of Spain, has been uniform and sincere; and that his conduct towards that power has been guided by no other motives or principle than those of good faith, honour and justice; and his Majesty sees, with the greater surprise, the pretences on which this declaration is grounded, as some of the grievances enumerated in that paper, have never come to the knowledge of his Majesty, either by representation on the part of the Catholic king, or by intelligence from any other quarter; and in all those cases, where applications have been received, the matter of complaint has been treated with the utmost attention, and put into a course of enquiry and redress.

"His Majesty has the firmest confidence that the House of Lords will, with that zeal and public spirit which he has so often experienced, support his Majesty in his resolution to exert all the power, and

all the resources of the nation, to resist and repel any hostile attempts of the court of Spain; and that, by the blessing of God on the rectitude of his intentions and the equity of his cause, his Majesty will be able to withstand and to defeat the unjust and dangerous enterprizes of his enemies against the honour of his crown, and the commerce, the rights and the common interests of all his subjects."

A similar Message was delivered by lord North to the Commons.

Copy of the Spanish Manifesto.] The following is a translation of the Paper delivered to lord viscount Weymouth, by the marquis d'Almodovar, the 16th June, 1779. The original was in French.

"All the world has been witness to the noble impartiality of the king, in the midst of the disputes of the court of London with its American colonies and with France. Besides which, his majesty having learned that his powerful mediation was desired, generously made an offer of it, which was accepted by the belligerent powers, and for this motive only a ship of war was sent on the part of his Britannic Majesty to one of the ports of Spain. The king has taken the most energetic steps, and such as ought to have produced the most happy effect, to bring those powers to an accommodation equally honourable to both parties; proposing for this end wise expedients for smoothing difficulties, and preventing the calamities of war. But although his majesty's propositions, and particularly those of his ultimatum, have been conformable to those which at other times the court of London itself had appeared to judge proper for an accommodation, and which were also quite as moderate, they have been rejected in a manner that fully proves the little desire which the British cabinet has to restore peace to Europe, and to preserve the king's friendship. In effect, the conduct of that cabinet, with regard to his majesty, during the whole course of the negociation, has had for its object to prolong it for more than eight months, either by vain pretences, or by answers which could not be more inconclusive, whilst in this interval the insults on the Spanish flag, and the violation of the king's territories were carried on to an incredible excess; prizes have been made, ships have been searched and plundered, and a great number of them have been fired upon, which have been obliged to defend them-

selves; the registers have been opened and torn in pieces, and even the packets of the court found on board the king's packet-boat.

"The dominions of the crown in America have been threatened, and they have gone to the dreadful extremity of raising the Indian nations, called the Chatcas, Cheroquies, and Chicachas, against the innocent inhabitants of Louisiana, who would have been the victims of the rage of these barbarians, if the Chatcas themselves had not repented, and revealed all the seduction the English had planned. The sovereignty of his majesty in the province of Darien, and on the coast of St. Blas has been usurped, the governor of Jamaica having granted to a rebel Indian the commission of captain-general of those provinces.

"In short, the territory of the Bay of Honduras has been recently violated by exercising acts of hostility, and other excesses against the Spaniards, who have been imprisoned, and whose houses have been invaded; besides which, the court of London has hitherto neglected to accomplish what the 16th article of the last treaty of Paris stipulated relative to that coast.

"Grievances so numerous, so weighty, and recent, have been at different times the object of complaints made in the king's name, and stated in memorials which were delivered either to the British ministers at London, or transmitted to them through the channel of the English ambassador at Madrid; but although the answers which were received have been friendly, his majesty has hitherto obtained no other satisfaction than to see the insults repeated, which lately have amounted to the number of one hundred.

"The king, proceeding with that sincerity and candour which characterise him, has formally declared to the court of London, from the commencement of its disputes with France, that the conduct of England should be the rule of that which Spain would hold.

"His majesty likewise declared to that court, that at the time their differences with that of Paris might be accommodated, it would be absolutely necessary to regulate those which had arisen, or might still arise with Spain, and in the plan of mediation which was sent to the under-written ambassador the 28th of last September, and which was by him delivered to the British ministry in the beginning of

October, a plan with which lord Grantham was apprized, and of which he received a copy, his majesty declared in positive terms to the belligerent powers, that in consideration of the insults which his subjects and dominions had suffered, and likewise of the attempts levelled against his rights, he should be under the necessity of taking his part, in case the negociation, instead of being continued with sincerity, should be broken off, or should produce no effect.

"The causes of complaint given by the court of London not having ceased, and that court shewing no dispositions to give reparation for them, the king has resolved, and orders his ambassador to declare, that the honour of his crown, the protection which he owes to his subjects, and his own personal dignity, do not permit him to suffer their insults to continue, and to neglect any longer the reparation of those already received, and that in this view, notwithstanding the pacific dispositions of his majesty, and even the particular inclination he had always had and expressed for cultivating the friendship of his Britannic majesty, he finds himself under the disagreeable necessity of making use of all the means which the Almighty has intrusted him with, to obtain that justice which he has solicited by so many ways, without being able to acquire it. In confiding on the justice of his cause, his majesty hopes that the consequences of this resolution will not be imputed to him before God or man, and that other nations will form a suitable idea of this resolution, by comparing it to the conduct which they themselves have experienced on the part of the British ministry. (Signed)

"LE MARQUIS D'ALMODOVAR."

"London, 16 June, 1779."

Debate in the Lords on the King's Message respecting the Spanish Manifesto. As soon as his Majesty's Message had been read, viscount Weymouth moved the following Address to his Majesty:

"Most Gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Message, and communication of the Paper delivered to lord viscount Weymouth by the ambassador of the king of Spain, which we cannot but consider as a matter of the highest impor-

tance to your Majesty's crown and people; and for acquainting us that, in consequence of this hostile declaration, your Majesty had found yourself obliged to give orders to your ambassador to withdraw from that court.

"We beg leave to assure your Majesty, that among the many proofs we have received of your Majesty's constant care and concern for the safety and happiness of your people, your Majesty's declaration of your sincere desire to preserve and to cultivate peace and friendly intercourse with the court of Spain, cannot fail to inspire us with the highest sentiments of gratitude and attachment; and that, animated by your Majesty's example, we will, with unshaken fidelity and resolution, and with our lives and fortunes, stand by and support your Majesty, against all the hostile designs and attempts of your enemies, against the honour of your crown, and the rights and common interests of all your Majesty's subjects."

The Earl of *Abingdon*. I rise solemnly to declare, that I will never give my assent to any address of any kind to the throne, but will now, and upon all future occasions of the like kind, divide the House, though I be the single dissentient voice, until the grievances of the people are redressed, by his Majesty driving from his presence and councils those wicked and abandoned wretches of ministers who have wantonly, openly, and in defiance of the majesty of the people of England, not only broken down the fences of the constitution of this country, but have now left us exposed to the ravages and the threatened destruction of our enemies. I shall, therefore, my lords, take the liberty of moving a clause by way of amendment. The clause is this, and may stand as the last sentence in the Address: "All which, however, is said as well conditionally, as in humble hope and confidence, that, awakened as your Majesty must at length be to the impending ruin of the state, by the incapacity of those ministers to whom the administration of government has been entrusted, your Majesty will see the necessity of removing those ministers from your royal councils and presence, and of placing others in their room, who (by a change of system, and in so doing by obtaining the confidence of your Majesty's loyal subjects at large) may unite the whole as with one mind and with one body, as the only means of preservation left for the political existence of this once great, but now expiring empire."

The Duke of Richmond begged of his lordship either to withdraw or postpone his motion till one he had to make was disposed of, as it went in part to the same effect. Lord Abingdon, however, said he would abide by his motion, which was accordingly put, and the House divided on it: Contents 23; Not-contents 62. As soon as their lordships returned into the House,

The Duke of *Richmond* rose, and after recommending unanimity in the most pressing terms, moved the following Amendment:

"That in a moment so critical as that which now presents itself to the consideration of parliament, (the most awful this country has ever experienced) it would be deceiving his Majesty and the nation, if, at the same time that we lament the fatal effects of those councils which, by dividing and wasting the force of the empire by civil wars, have invited our natural enemies to take advantage of our weak and distracted condition, we were not to represent to his Majesty, that the only means of resisting the powerful combination which now threatens this country, will be by a total change of that system which has involved us in our present difficulties in America, in Ireland, and at home. By such means, attended with prudent economy, and a due exertion of the forces of a free and united people, we trust that his Majesty, with the assistance of the divine Providence, will be able to withstand all his enemies, and to restore Great Britain to its former respected and happy condition."

His grace said he would not consider past miscarriages; he would not refer to any former circumstances, which might create a diversity of opinion. His amendment was founded on the broad basis of public union and public strength, and was meant to call the attention of the House to the existing circumstances of the kingdom. His grace arranged his matter as he had stated it in his motion, considering in succession, America, Ireland, and the home defence.

In case, he said, that the Manifesto imported what it seemed to him to import, an actual and avowed declaration of intended hostility, our situation in respect to the home defence was indeed truly awful. By the home defence he meant our naval force in the European seas. This, he said, amounted in the whole to 31 ships of the line, as fine a fleet, he understood from

persons well informed, as ever left this country, as well manned as the circumstances of affairs would admit. Those 31 ships of the line composed the whole fleet on which this country must at present depend for its safety. It would next be necessary to learn the strength of our enemies. By authentic accounts which he had received, 28 ships of the line sailed from Brest on the 3rd instant, and were at that minute, if they chose, masters of the British Channel; and he could not avoid expressing his astonishment at the conduct of the noble earl at the head of the Admiralty, who could so far neglect his duty as not to know that the Brest fleet would have sailed on or about that day, wind and weather permitting; or his criminality, presuming him to be apprized of that event, that he had not the grand fleet ready to proceed to sea, and not have suffered our trade, commerce, &c. to be liable to be captured or destroyed by a foreign enemy riding off our coasts. His information went still farther, that aboard this fleet there were several thousand troops, commanded by an old lieutenant general, a M. D'Avaux. He did not pretend to point out the destination of its force, whether it was intended to co-operate with Spain in the southern part of Europe, or for an attack in the West Indies, or for North America. Each alternative created in his mind the most melancholy apprehensions. He understood that the fleet of Spain was in a formidable state of forwardness; but at the present, besides her naval force in the West Indies and Spanish America, she had 30 ships of the line ready to proceed upon actual service, at a day's warning, perhaps already at sea.

This, he confessed, would be a great inequality, should a junction between both fleets take place. Sixty ships to thirty did not hold out any flattering prospects of success; but we must not despond. It was the duty of man to struggle with difficulties, to surmount them by resolution and activity; and whatever he was bound to bear or perform in his individual capacity, he was bound to bear or perform as a member of the community. His grace pointed out the means in a very warm, manly, and pathetic manner. He spoke much of the exertions of a free people engaged in a just cause. Every man, he said, was called upon in the present calamitous situation, to assist by his purse or in person. Those who could fight must assist that way; those who could pay

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should contribute in the manner they were best able. It was a season of peculiar urgency; the means of defence must be correspondent to the present situation of affairs. Those who were blessed with affluence must contribute largely. When the safety of the state was at stake, all reasoning was at an end. He did not see, though we had not money, why we might not devise means to answer or supply that want. The people of America had no money; they were obliged to issue paper, by which means they had resisted the whole force of this country. Why might not Britain, should the necessity of the times require it, do, to secure her very existence, what America had done in defence of her liberties?

He next took notice of the state of Ireland; well disposed, he allowed, but her dispositions much altered respecting her political relation to this country. There were men at all times of enlightened understandings in that country, sufficient to discover the unwarrantable claims exercised by Great Britain over Ireland, particularly respecting the restrictions laid on trade and commerce. A pamphlet had been lately published, pointing out the injustice of those claims, in answer to some passages in sir William Blackstone's Commentaries. The principles laid down in the publication alluded to, disclaim any dependance on this country, but what may arise merely from an union of interests and power; and he was firmly persuaded they were the principles of every person of property and common sense throughout Ireland. What will be the consequence? We shall, in the first instance, want the cordial assistance and good will of the people of Ireland, which is at present so extremely necessary; and when you come to assert what they think your unjust claims, or deny them what they deem their just rights, your lordships ought seriously to look forward to the consequences. He next represented Scotland as in an extreme bad temper, on account of several internal and external causes of complaint which the people there laboured under. The conclusion was, that the picture was a melancholy one, so much so, that he did not wish to draw it too correctly, much less to over-charge it.

If, then, England, engaged in an unequal contest with a combination of power apparently entered into for her destruction; if Ireland was on the eve of vindicating what she understood to be her na-

tural and political rights, in case any resolution longer to withhold them should be determined upon on this side of the water; if Scotland was ripe for insurrection; if our fortresses in the Mediterranean, and our possessions in the West-Indies and America, were at the mercy of our enemies; if the colonies were dissevered from this country, and leagued with our foreign foes, next to measures of immediate preservation, was it not the great secondary object to endeavour to add to our effective strength, in order to protect ourselves, and retaliate on our enemies?

He had no doubt but that every noble lord present would instantly answer with one voice, "If we like the means." The means, in his opinion, were very practicable, and of easy access. His idea was to change the system which has prevailed in our councils, to abandon the American war, at least for the present, to collect the great military force now doing nothing there, and employing it instantly against our enemies (he meant Spain) both in North and South America. The adopting some such measure as this, if it would not be the means of gaining America, would not be the cause of losing it. That country was already worse than lost. It was a drain of treasure, a loss of some of our best blood; it was the great cause of division in parliament and the nation. If that unfortunate war was once abandoned, and with it the system which gave it birth, he made no doubt but that Britain, as she had been often before, would prove a match for the whole House of Bourbon.

It might be urged, that withdrawing the troops, or collecting them for the purpose of employing them against the common enemy, would amount substantially to the declaring America independent. He assured their lordships, that he had not then a single idea on the subject, whether such a declaration on our part would be wise or politic. The sole objects of his motion were these; to alter the system on which those councils have been formed, that have brought us into our present calamitous situation; and to make the most vigorous exertions, both offensive and defensive, in order to defeat the designs of our enemies. The means to obtain those objects were, union at home, and a general confidence arising from the proposed change of system in those who may be entrusted with the conduct of public affairs. He must, however, put in one reservation, as well in behalf of himself as applicable to the argu-

ments which he used, that when he was called upon to pledge his life and fortune, such a pledge on his part must come accompanied with that species of security that is ever understood to be the condition of so sacred a trust. He must have one grand test of the wisdom of future measures, that of an immediate change of the ruling system. His grace spoke to a great variety of topics, and enlarged upon others.

Viscount *Weymouth* rose, but said not a tittle in answer to the noble duke's motion. He only took notice of that part of his grace's speech which related to the conduct of the King's ministers. In what manner the King's ministers might have acted, was at present of little consequence. Spain had already decided for herself, and the question fairly before the House was, whether the utmost exertions of this country should be made in our own defence, and in repelling the attacks of our enemies?

The Earl of *Shelburne* said, he highly approved of the amendment proposed by the noble duke, though he was not exactly prepared to give an opinion on the mode of collecting our force, or employing it effectually; but this he was ready to acknowledge, that the state and condition of America, and of Europe, was much changed since he gave his sentiments respecting the proper conduct to be pursued respecting the former. As to a change of system, it was become absolutely necessary, as well in point of men as measures. He meant those employed as the servile instruments of carrying that ruinous system into execution. The nominal minister in the other House, who was dressed up, what kind of a thing was he? He begged pardon, what kind of a dressed up thing was it? Who were his employers? What was his business? Though he did not, any more than the noble duke, wish to take retrospective views of past calamities, he could not avoid taking notice of the use made of this tool, that of imposing on that very respectable body of men the country gentlemen. This thing, thus tricked out, answered the purposes of his creation, under the deceitful appellation of a minister. This phantom of a real minister had led the country gentlemen into a war: he had buoyed up their expectations with hopes of a revenue, and had persuaded them, by a single vote, to give up those expectations: he had led them into a French

war; he had lately inspired them with hopes of once more recovering America; and finally, he had led them into the calamitous situation of being obliged to go to war with the whole House of Bourbon allied with the subjects of a third part of the British empire.

Who was the next great supporter of this nefarious and destructive system? A man who never having any regard to military honour, could not be expected to have very delicate feelings for that of a most able, brave, and experienced officer; he meant the noble lord (G. Germain) at the head of the American department in the other House, in reference to his conduct towards general Grey. General Grey, who took a part in all the active operations of the campaign of 1777 and 1778, is examined as a witness at the bar of the Committee, appointed to enquire into the conduct of the American war. What happens? General Grey, who gave the most satisfactory, correct, and full evidence that was ever given, is let to go out of town, and in four weeks after, the noble lord at the head of the American department, taking an advantage of his absence, passes, in a preconcerted speech, the most ungenerous and ill-founded censure on that gentleman. He controverts his military skill, he condemns his opinions as unfounded and taken up upon trivial grounds. He undertakes to disprove his allegations even before a single sentence of the testimony on the other side is heard, and that through the channel of a favourite witness, who has already experienced the good wishes of government, by being appointed governor of New York; he states conversations previously held with general Robertson as so many proofs to the House that general Grey had given a false or ignorant testimony. Let us contrast this conduct of the noble lord, respecting general Robertson, the gentleman I lately alluded to, and that to lieutenant colonel Dixon, late first engineer on the expedition under the command of that much injured gentleman sir William Howe. The noble lord's secretary, a very active young man (Mr. De Grey) is sent with a message from the noble lord to colonel Dixon, desiring to see him immediately. The colonel returns a manly and officer-like answer. He lets his lordship know, that he was just on the point of being examined respecting the conduct of his commander in chief; that he was then extremely busy, being

employed in arranging such parts of his evidence as would depend upon written documents, &c. but that as soon as his examination was closed, he would take the earliest opportunity of waiting on his lordship. Attend to the sequel: the noble lord at the head of the American department and his secretary, understanding that the colonel's testimony was not likely to turn out very favourably to his lordship's views and expectations, declines to have him examined; when the noble lord's intentions are reported, the colonel immediately prepares to attend his duty in the north of England, and informs his lordship's secretary that he is then ready to wait on him; but a prospect of all management being at an end, he receives a very cold message from his lordship, importing that his presence will be dispensed with. There are the scandalous means resorted to, to destroy the characters and wound the honour of brave and deserving officers; and such are the arts made use of to seduce professional men to sacrifice at the shrine of power, in order to accomplish the ends of a wicked administration!

The other leading person in this system is the noble lord opposite to me, the first lord of the Admiralty. What have been his lordship's chief merits? A continued series of delusion and imposition; a total ignorance and incapacity for the discharge of the duties of the high station he occupies; and talents, unhappily for his country, of such a particular size and make, as to enable him, contrary to every ground of substantial conviction, to evade the constitutional or parliamentary effect of proofs little short of mathematical demonstration. This, my lords, is the man, who by his neglect and incapacity, has invited an attack from France, which has by its consequences produced that Manifesto on your table.

But, my lords, I would not stop short at overthrowing this system, so far only as it related to the ostensible actors in it. I would go much further; I would trace the evil to its source. I would drag into open day, and to public punishment, its real authors. I would extirpate the power possessed by every different description of men, who compose, in their several leading and subordinate capacities, the whole and each respective part of this traitorous system. The lawyers, the *commis*, the clerks in office, &c. I have been informed that one of those *commis*, who was lately a commissioner to the American Congress

(Mr. Eden) has had a most ample pension settled on him on the Irish establishment. But to return; as I would wish to have the system changed, so I would wish to have the concealed authors punished. The nation must have satisfaction, the day may be procrastinated, but the enquiry cannot be prevented; sooner or later vengeance will overtake these men in their wicked career.

He reminded their lordships how exactly the sentiments of the noble duke respecting the measures proper to be adopted on the present occasion, accorded with those he had more than once taken the liberty to state to the House, towards the close of the last session. He said, that the city of London had ever maintained a conspicuous situation in the political history of this country, particularly at seasons of approaching danger. The city of London paid about the sixth part of the whole public revenue: but how did the spirit of this ruinous system operate upon the city of London? After creating the necessity of laying on new taxes, and laying one upon dwelling-houses, the noble lord at the head of the finances endeavoured, under the colour of law, and an extrajudicial opinion of the judges, to convert this dwelling-house tax into a warehouse, as well as a dwelling-house tax. Well, what did this great financier next do? Contrary to every principle of trade and commerce; contrary to his own pretended principle of laying taxes upon luxuries alone; contrary to the sentiments of the city of London, and in defiance of the very basis of the constitution, he laid a tax upon warehouses.

Without the system of government was changed, it was a farce to talk of unanimity, or while the men who were the authors of all our calamities remained in power, only to devise fresh mischiefs and perpetuate them. He, for one, would never consent to pledge his life or fortune, much less his own honour, and the liberties and defence of his country, to those who had so often misled, deceived, and betrayed it. Which of their lordships would appoint a steward to take care of his estate, who had no better claim to his trust or confidence than stating to him, "I have thrown away, from a corrupt, ignorant, and oppressive disposition, a very considerable part of its produce, in harassing and vexatious law-suits; I have plundered you myself, to a very considerable amount; I have lavished immense sums on those who have assisted me in

my plans of oppression, imposition, and extortion, or in screening my villainies from you. One half of your lordship's fortune is already lost, the other part may be preserved; your lordship is still possessed of it; you must keep it as well as you can, for my conduct has brought many demands on it, and raised up many competitors: but you had better nevertheless continue your confidence in me, for, as I first assured your lordship, I will give you every assistance in my power."

His lordship highly applauded the noble duke's manly exhortation to union. He perfectly coincided with his grace, that it was union only that could bring us through our present difficulties: but he was well pleased to observe, that the union recommended by the noble duke was conditional; that it was to be preceded by a change of system, consequently a change of measures. He most sincerely subscribed to his grace's opinion, that our salvation depended solely on union, and if united, that we were fully equal to resist and defeat the deepest designs and most vigorous efforts of our most desperate enemies.

He begged leave to recall to their lordships' remembrance, that he had more than once in the course of the last session, entered pretty fully into the subject of our ability to repel and retaliate on our foreign enemies, and had referred to instances drawn from our own history, as well as that of other nations; that he had described the state of this country at two very critical periods indeed, those of the reigns of queen Elizabeth and of king William, and of Holland, when surrounded by the numerous armies of Louis 14, in 1672. The fate of the Spanish Armada was too well known to call for any particulars, so was that of our navy, after the fight off Beachy, in 1690, when the fleet of France rode for full two months triumphant in our channel, and that at a time when more than one half of the nation were mistakenly attached to the cause of a perjured tyrant. Yet in none of those very trying situations did we despond. We had still great resources; we could vie with the brightest period of our history, in great and respectable names, in our fleets and armies. Our navy, though far short of what it ought to be, was nevertheless formidable; our armies numerous and well disciplined; we were still a free people, and therefore had a stake to lose worth contending for. His lordship en-

tered into a minute account of the internal state of this country, when it was threatened by the Spanish Armada, which contained a narrative of the several measures queen Elizabeth adopted, the instructions given at Tilbury camp by that princess to the earl of Cumberland, and the different precautions taken in the event of a naval defeat, &c. which it is unnecessary to repeat, as they so often appeared in the debates of last session.

His lordship again recurred to general exhortations to union, for without it, national destruction was inevitable; but this great basis of public safety could never be laid, but on the ruins of that baleful, wicked, and absurd system of politics which had pervaded our councils for the last 18 years, and which must be cut up by the very roots; till the puppet ministers were driven from their present situations, and the secret advisers dragged forth into open day, and exemplary and condign punishment inflicted on them. His lordship professed himself to be of no party, but ready to do every thing in his power, and stand forth with his life and fortune, as he deemed neither to be his own, when his country demanded them. There ought to be now but one party in this country, who should distinguish themselves solely in its defence, with a warm, resolute, and spirited zeal for its honour. In such a party he was ready that instant to enlist; he cared not who they were, or of what denomination, unless it was those who had betrayed us into our present calamitous situation; that wicked, unnatural, and destructive system once dissolved, he, for one, had nothing to fear, he had not a single doubt, that should such an event take place, the country being again united, would in the end recover its wonted power, dignity, fame and glory.

He begged leave to mention a particular circumstance applicable to the subject of debate, which respected an observation or two that fell from the noble viscount who moved the Address. The noble duke who moved the amendment had well observed, that the House ought to have been acquainted with the nature of the complaints stated in the Manifesto, which lumped together amounted in the whole to one hundred. No, said the noble viscount, that is totally unnecessary; Spain by her Manifesto has told us, that she no longer seeks satisfaction in the way of negotiation—Granted, that she does not. Will the noble viscount seriously attempt

to persuade this House, that because Spain has told us she will have recourse to arms, to procure that satisfaction which she charges us with denying, that their lordships ought not to be made acquainted with the motives which induced the court of Madrid to make this dernier appeal? He was ready to allow, that probably Spain had long conceived an intention of making war, and only waited for a favourable opportunity of carrying this intention into execution; for indeed the reasons suggested in the Manifesto appeared to him little better than mere pretences, and such as the court of Madrid ought to be ashamed of; it was nevertheless incumbent upon ministers to give parliament every satisfaction relative to the whole progress of both the mediation and negotiation, because parliament would be better enabled to decide and pronounce with certainty on their truth or falsity.

After taking great pains to shew the propriety of ministers, even if for no other reason but that of defending themselves against some harsh expressions personally pointed at them in the Manifesto, laying the state of the negotiation before the House, he made a few observations on another reason urged by the noble viscount, which was, that such a disclosure would not be proper till lord Grantham should return from the court of Madrid. First, in point of time, just at the eve of a prorogation; secondly, what could lord Grantham tell, when he did arrive? Not a syllable more than was contained in the papers on the table. It was therefore to the last degree absurd thus to amuse or impose upon the House so flimsy an apology. What information had the other noble viscount (Stormont) or ministers given their lordships, since his lordship's return from the court of Versailles, though full 15 months had elapsed? What did he know, or what had he told, but that he had informed ministers of the treaty between France and America in the various stages of its progress to its final completion? And how had ministers acted? By denying in one House that they had any information, and in this, owning they received it, but did not believe it.

The Earl of *Carlisle* said a few words in reply to the noble lord, and charged several parts of his lordship's speech, with being fraught with maledictory expressions reflecting on several noble persons and others, who, being absent, were not in a situation to defend themselves.

The Duke of *Chandos* said, that he believed our misfortunes originated from other causes than those ascribed by the noble earl who spoke lately. His grace spoke of the public and private virtues of his Majesty, and contended, that ministers were far from deserving the very gross charges which had been made against them in the course of the debate.

Lord *Stormont* said, that the noble duke's amendment, if he understood it properly, went to a withdrawing our fleets and armies from America. The words did not express that precisely; but, from the tenor of the noble duke's speech, he presumed he was warranted in putting upon them that interpretation: he alluded particularly to the words, a due exertion of the force, and his recommending in his speech to collect it, in order to be employed against the common enemy, the House of Bourbon. He would not make any distinction, whether recalling the troops would be in fact declaring America independent: but he would tell the noble duke fairly, what were his grounds of dissent to any such proposition. In one of the private articles of the treaty, signed in February, 1778, between France and the Congress delegates, it is specially provided, that the colonies and France shall never agree to any terms, till the former is acknowledged independent by Great Britain. What, then, will be the consequence, should the troops be recalled, but that America, bound by the secret article, can never treat with the mother country, till she is declared independent? This was the real cause why we were not at peace both with France and Spain:

The Duke of *Richmond*, after having openly declared that his amendment went really to the withdrawing the troops from America, entered into a defence of the propriety of that measure, in all its parts, as connected with the state of the nation; and professing, that he gave up all expectations of unanimity at home, or success, which could in the nature of things never take place, till preceded by a change of system, his grace concluded with informing their lordships, that he would immediately set off for the country, and put on a red coat, and there, as the last proof of his sincere attachment to his country, meet its enemies in the field, and perish in its defence, or triumph in their discomfiture.

The House divided on the Amendment: Contents 32; Not Contents 57.

Protest against the Rejection of an Amendment to the Address on the Spanish Manifesto.] The following Protest was entered :

" Dissentient'

" 1st, Because the Amendment proposed, recommending to his Majesty a change of system in the principles and conduct of the war, appears to us to be warranted by every consideration which prudence and experience can suggest, and to be called for by the extreme magnitude of the dangers which surround us. The formal surrender of all right to tax North America, proposed by the very same ministers who, at the expence of 50,000 lives, and 30 millions of money, had for three years successively attempted to establish this claim, necessarily proves either that those principles of legislation, which they had thus asserted and thus abandoned, were unjust in themselves, or that the whole power of Great Britain, under their conduct, was unable to effectuate a reasonable dependency of its own colonies. A dilemma, dishonourable to them, and ruinous to us ; and which, whatever side is taken, proves them wholly undeserving of the future confidence of a sovereign and a people, whose implicit trust in them (the largest which was ever reposed in ministers by any king or any nation) they have abused in a manner of which the records of parliament, and the calamities of the nation, are but too faithful witnesses.

" If, with the whole force of Great Britain and Ireland, aided by the most lavish grants, assisted by 80,000 Germans, unobstructed for a long time by any foreign power, they have failed in three campaigns against the unprepared provinces of North America, we should hold ourselves unworthy of all trust, if we were willing to confide in those abilities which have totally failed in the single contest with the colonies, for rescuing us from the united and fresh efforts of France and Spain, in addition to the successful resistance of North America.

" In such a situation, a change of system appears to us to be our indispensable duty to advise. We have considered such a change as the only means of procuring that union of councils, that voluntary effort of every individual in the empire, which is necessary to be called forth in this hour of danger. We have readily concurred in a sincere offer of our lives and fortunes, in support of his Ma-

jesty against the attacks of his enemies, Those valuable pledges, both of what is our own personally, and of what belongs to our fellow citizens, (which ought to be and are no less dear to us) give us a full right to claim and demand some better security for their being employed with judgment and effect, for the purposes for which we offer them, than can be derived from the opinions in which all mankind concur, of the total want of capacity of his Majesty's ministers.

" We have avoided recommending any specific measures, in order not to embarrass government in a moment of such difficulty. But we have no scruple in declaring, that whatever may be the future conduct of Great Britain with respect to America, the collecting our force at a proper time to resist and to annoy our natural rivals and ancient enemies, seems to us beyond a doubt to be proper and expedient.

" 2dly, We think this advice the more seasonable, because we know the obstinate attachment of the ministers to that unfortunate system, from the fatal predilection to which, they have suffered the safety of the state to be endangered, and the naval strength of our powerful, jealous, and natural rivals to grow under their eyes, without the least attempt to interrupt it, until it had arrived at its present alarming magnitude, and hostile direction.

" 3dly, This plan appears to us strongly enforced by the melancholy condition in which the misconduct and criminal neglects of the ministers have placed us. Our best resources wasted and consumed ; the British empire rent asunder ; a combination of the most powerful nations formed against us, with a naval superiority both in number of ships and alacrity of preparation. And this country now, for the first time, left entirely exposed, without the aid of a single ally ; we should think ourselves partakers in the offences of the ministers, and accessaries to our own destruction, if we neglected any possible means of securing a proper application of all the force we have left, from a blind confidence in persons, on whose account no nation in Europe will have any confidence in us. A manly disposition in parliament to apply the national wisdom to the cure of the national distempers, would restore our credit and reputation abroad, and induce foreign nations to court that alliance which now they fly from ; would invigorate our exertions at

home, and call forth the full operation of that British spirit which has so often, under the direction of wise counsel and a protecting Providence, proved superior to numbers, but which can have no existence but from a well founded opinion, that it is to be exerted under ministers and commanders who possess the esteem and affection of the people.

"We have in vain called for some plan on which to build better hopes, or for some reason for adhering to the present system.

"We have in vain requested to know what have been the circumstances of the mediation, what are the grievances complained of by the Spanish court, in order that we may weigh the justice of that war in which we are going to engage: on which foundation alone we can rely for the protection of Providence.

"We have urged the necessity of the great council of the nation continuing to sit, that his Majesty may not be deprived of the advice of parliament in such a difficult crisis.

"All these representations have been met with a sullen and unsatisfactory silence; which gives us but too much reason to conclude, that ministers mean to persevere in that unhappy course which has been the cause of all our misfortunes. After doing our utmost to awaken the House to a better sense of things, we take this method of clearing ourselves of the consequences which must result from the continuance of such measures.—

(Signed)—Richmond, Manchester, Abergavenny, Effingham, Derby, Ferrers, De Ferrars, King, Harcourt, Portland, Rockingham, Radnor, Scarborough, Coventry, Ponsonby, Hereford, Devonshire, Foley, Egremont, Fitzwilliam, Beaulieu."

Debate in the Commons on the King's Message respecting the Spanish Manifesto.]

June 16. Lord North said, that count d'Almodovar, the Spanish ambassador, had just delivered to lord Weymouth a Manifesto from the court of Spain, which, with a Message from his Majesty, he should lay before the House to-morrow. The ambassador, he said, was recalled.

Mr. Burke reminded the noble lord in particular, and the ministerial side in general, how light they had made of the probability of such an event. Whenever we have talked of a Spanish war, in addition to that of France and America,

with what contempt have the ministry heard it! With what scorn have they scouted the very idea! Good God! with what joy have they triumphed as it were in our ignorance and folly! Spain, we were told, time after time, could have no interest in joining our enemies. Spain had colonies of her own, and would not set so bad an example, as to succour or aid those rebellious ones of America: besides that, Spain was naturally inclined to be at peace with Great Britain. In fine, the sincerity of that power was deemed of a fixed and lasting nature, and all suspicions to the contrary were treated as ridiculous. Such has been the constant and invariable language on the part of government. Oh, Sir, how have we been deceived! How have we slept night after night, and dreamt of the faith of Spain! How long have ministry retired to their beds, full of wholesome advice and admonition on that precarious point, and waked morning after morning trumpeting out their assurances of the pacific disposition of Spain! The court of Spain, they have had the effrontery to repeat again and again, would be ruined by a war. We knew the interest of Spain better than she did herself; and ministers must turn politicians for the House of Bourbon, and presume to point out, while they could not manage their own affairs, what would be to her advantage and what would not. But now the unhappy, the dangerous crisis is arrived which they were cautioned against. Oh, Sir, what a long and dismal, what a dark and sad night has this session been, to leave us at the end of it engaged in war with the House of Bourbon, and America joined to her against us! And how will ministry presume to exculpate themselves? Was there nothing to incline them to expect this manifesto? Had they no opportunity of knowing the aid Spain has been giving to France, and the encouragement shewn to the ships and trade of America. Whichever way we consider this, they are equally culpable. If they really knew that we were exposed to the necessity of a Spanish war, they are not to be excused for their silence, and if they did not, they equally deserve punishment for their monstrous ignorance and want of information. He was here called to order by

The *Speaker*, who asked if he had any motion to make; if not, he could not suffer him to proceed.

Mr. Burke said; Sir, I could make a motion; the impeachment of the minister

(pointing to lord North) would be a very proper one. Many members cried out Move! move! which was continued for a considerable time. Mr. Burke attempted to proceed, the Speaker called to order, and the whole House was in confusion. When the tumult subsided,

Lord *George Cavendish* told the Speaker, that he did wrong in calling the hon. gentleman to order, as he could not, before he had done speaking, tell whether he had a motion to make or not.

Mr. *Baker* said the same, and added, that if any gentleman sat down, after speaking, without a motion, he was not to hear any member follow him; but he was obliged to hear a member entirely out, before he asked him whether he had any question.

Mr. *Turner* said, he was for impeaching the minister.

The Speaker again applied himself to Mr. *Burke*, and said, all he wanted to know was, whether he had a question to put or not?

Lord *North* now rose again, to give it as his opinion, that any motion from the hon. gentleman would come before the House more properly to-morrow after the King's message.

Mr. *Burke* now informed the chair that he had a motion to make. It was "That the House should immediately form itself into a committee to take into consideration the state of the nation." Before we talked of making war against the House of Bourbon, it was necessary for us to see what means we had left for that purpose, and a still more important thing to be thought of was, whether the present ministers were persons fit to be entrusted with the conduct of this additional war. He reminded the House what a shout of applause had taken place, when the noble lord, some little time ago, told the House of the coolness that subsisted between France and America, whereas the latter power was now joined by the other branch of the House of Bourbon.

Mr. *Hartley* seconded the motion.

Colonel *Barré* began by remarking to the chair, that he had done wrong, though not intentionally he was sure, in calling the hon. member to order. The ancient usage of parliament, he said, was to suffer the members to speak at large without any motion before them, and that the Speaker would frame a question from what had been said. But if the hon. member had broken through the order of the House,

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the colonel contended, that it had been in a case the most meritorious that could be imagined. He then remarked on the appearance of the minister. I saw the noble lord come into the House: he passed me, and I declare from my soul, that I could not believe a tittle of the Spanish Manifesto, for the noble lord had a broad smile on his countenance. I think I never saw him look more cheerful. There was not a feature about him that was not brightened up. I declare to God I thought he had come down to communicate some joyful news, some glad tidings, some new victory to grace the annals of ministry, for I did not think it was in human nature to wear such a face in such a time of public calamity, and especially when the noble lord himself has brought us into it. The colonel observed, that wit and humour had often served the noble lord, but advised him not to have recourse to either in the present instance, and concluded by declaring it as his firm belief, that there was a strange, unnatural kind of influence lurking somewhere, that would bring the sovereign to disgrace and ruin.

Lord *North* did not know that he had worn any particular smile at his entering the House, and if he did, a grave or melancholy brow was not a look best suited to times of danger. Englishmen were to feel like Englishmen, and not to be easily sunk down. The Spanish ambassador had, indeed, delivered a Manifesto of a very hostile nature. It would be translated this day, and presented to the House, but gentlemen were not to be sunk down, for the event had been long looked for.

Sir *G. Savile* said, he should not take upon him to tell the noble lord what countenance he ought to wear at proper times, but he really thought with his worthy friend, the colonel, that he had some good news to impart, he looked so cheerful and pleasant. He did not mean, he said, to go into an enquiry how far the minister was culpable or not; but he must tell him, that we had all our misfortunes brought upon us during his administration; and with respect to his saying that the war we were upon the eve of with Spain, was an event long looked for, he was surprised indeed to hear it from the noble lord, who, not 24 hours ago, had heard it asserted without giving the least information whether it was true or not; nay, he had in a manner denied it, by a shake of the head.

Lord *John Cavendish* earnestly solicited Mr. *Burke* to withdraw his motion; for he

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was against having any motion before the House till the present ministers were brought to punishment. By punishment, he did not mean a partial one, he meant such a one as should go as far as it ought. As to himself, he hoped he was to be thought a moderate man. He would expend his fortune and hazard his life against the natural enemies of his country, and he would do as much to bring ministry to their deserts.

Mr. Turner declared that he would oppose the granting any money, or going into any measures, till the present administration were first dealt with as they ought to be. Mr. Baker said the same. After which Mr. Burke withdrew his motion.

June 17. Lord North presented a Message from his Majesty similar to the one presented to the Lords [see p. 876]; together with a copy of the Spanish Manifesto. After which his lordship moved the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, return our humble thanks to your Majesty, for the communication of the paper delivered to lord viscount Weymouth by the ambassador of the king of Spain, which we cannot but consider as a matter of the highest importance to your Majesty's crown and people; and for acquainting us, that, in consequence of this hostile declaration, your Majesty has found yourself obliged to give orders to your ambassador to withdraw from that court.

"Among the many proofs we have received of your Majesty's constant care and concern for the safety and happiness of your people, your Majesty's declaration of your sincere desire to preserve and to cultivate peace and friendly intercourse with the court of Spain cannot fail to inspire us with the highest sentiments of gratitude and attachment: and we beg leave to assure your Majesty, that, animated by your Majesty's example, we will, with unshaken fidelity and resolution, and with our lives and fortunes, stand by and support your Majesty in resisting and repelling all the hostile designs and attempts of your enemies against the honour of your crown, and the rights and common interests of all your subjects."

This Address was agreed to *nem. con.*

Lord John Cavendish then moved,

"That an humble Address be presented to his Majesty, that his Majesty will give immediate orders so to collect and dispose his fleets and armies, as may enable his Majesty to exert the whole force of this country against the united powers of the House of Bourbon."

Mr. Jenkinson asked, if the words "whole force" were meant to include the force in America; and being answered that they did, he moved to adjourn.

Mr. T. Townshend approved of the noble lord's motion, whether it meant to include the force in America or not: ministers might put that construction upon it and act accordingly; and it would be happy for them and this country if they did.

Mr. Burke spoke in support of the Address, because he considered it impossible to carry on the war in America, while we were engaged in a war with France and Spain. The British dominions in Europe were now at stake, and therefore the whole of the British force should be in Europe to defend them, and attack the enemy.

Mr. Ellis said, the force in North America must not be withdrawn, because it would be leaving those people in America defenceless, who have declared for the King.

Mr. Dundas said the same, and called upon lord Howe and admiral Keppel to offer their services, which he was certain the present ministers would accept of.

Lord Bulkeley apologized to the House for attempting to collect its attention on so insignificant an individual as himself; but concerned as he felt himself for the welfare of his country at this alarming crisis, he could not help seconding a hint which fell from a learned gentleman below him, that the noble viscount who had so ably acquitted himself in his professional character in America, and a worthy and respectable admiral in his eye, whom he personally knew and respected, would offer their services to their country at this moment. He said, he had some property at stake, which might eventually be much greater, and which led him to wish that they were now at the head of the fleet. With respect to the motion of the noble lord he should certainly vote for it, as he was quite sick of America, and was desirous of pointing out the necessity of employing our troops, now inactive there, against our perfidious enemies of the House of Bourbon.

Mr. *Eden* said, he could not approve of the Address, because it professed to prescribe to his Majesty a partial and particular mode of conducting a very complicated war; that such advice, whether right or wrong, ought not to be given in the open council of the nation, which was very ill suited to charge itself with the executive conduct of an emergency like the present; that at least such advice can only amount to a superfluous recommendation to ministers to do their duty; for the due and wise performance of which, the constitution had already made them responsible: that, however, he thought the advice wrong in its purport, because, though in particular seasons, and for particular purposes, it might be eligible to apply a part of the present American force on services distant from our colonists, it would never be either eligible or necessary this campaign to withdraw the whole of that force from the maintenance of our possessions, and the protection of our friends; least of all could it be either eligible or necessary to announce such an intention to our various enemies, and to put into their hands all the advantages to be drawn from the foreknowledge of it. He approved the mode of resisting the motion by an adjournment in preference to a negative, because if it was wrong to declare to our enemies what we would do, it was also wrong, though in an inferior degree, to declare what we would not do.

The House divided on the motion of adjournment: Yeas 156; Noes 80.

The King's Answer.] His Majesty returned this Answer.

"Gentlemen;

"This unanimous and affectionate Address affords me the truest satisfaction, and demands my particular thanks: the zealous and firm support of my faithful Commons, at this important crisis, must give the greatest weight and effect to my exertions of the national force. I can entertain no fear of the designs or the enterprizes of my enemies, whilst I stand at the head of a free, brave, and united people."

Mr. Hartley's Motion for Reconciliation with America.] June 22. Mr. *David Hartley* said: I have waited with much anxiety and impatience through the course of the present session, in expectation, that some propositions for peace, between this

country and America, would have been offered to the consideration of parliament. A very general report has prevailed for some months past, that some negotiation towards peace has been set on foot, under the mediation of the court of Spain. I confess to you, Sir, that when I heard that the court of Spain was to be the mediator, I did not form to myself any favourable omen of success from such a mediation; neither does it afford any favourable opinion of the conduct of administration, that they have suffered themselves to be amused with the pretences of that court upon such a subject. It amounts to conviction of insincerity in themselves towards peace, if they have employed their time no better; for I will venture to say, that they might have found a better employment for their time and attention, if they had been so disposed. I am bold to say this, because I speak what I know. Ministers were not ignorant where they might have negotiated an honourable and sincere peace, but they have rejected and refused that opportunity, which perhaps may never occur again.

Sir, it is upon the subject of this fallacious negotiation with Spain, which the ministers of this country have so meanly submitted to; and likewise upon their refusal of other terms honourable to this country and equitable in themselves, which were offered to them but refused on their part, (and which I shall this day lay before you) that I rise now to trouble you. I must beg your favourable attention, not only as upon a matter of great public importance, but likewise your indulgence particularly to myself, as having been the person through whose hand that negotiation passed which might have procured peace, but which ministers have thought proper to reject. I think myself called upon by every tie of duty to my country, and by every consideration of prudence to myself, to lay this transaction before you. My reason for so doing is evident; it is to discharge myself to my country of any concealment in a matter of such deep importance, in which perhaps the fate of many countries and the lives of many thousands may be involved. In civil commotions and in great national wars those men take great responsibilities upon themselves who refuse proffers of accommodation. They charge themselves with all the consequences which may afterwards affect their country by such refusal. However other men may think upon this subject, it

never shall be said of me, that knowing of practicable terms of peace I had secreted that knowledge from my country. I therefore feel myself compelled to lay before this House and my country, the state of those terms which his Majesty's ministers have taken upon themselves to refuse, although they knew at the same time that they would have laid a sure foundation for a solid and permanent peace. I wish the public, at the same time, to be informed of the state of the pretended negotiation for peace, under the auspices of a branch of the House of Bourbon, that they may confront that negotiation with the terms of the other, which, as having been concerned therein, I know to have been honourable, equitable, and practicable, and to have been conducted on one part, at least, in sincerity and good faith, though rejected by a British ministry.

Sir, it happened some months ago to fall to my lot to have the negotiation for the exchange of British and American prisoners pass through my hands. Having nothing so anxiously at heart as the desire of abating all the miseries of war, it may be easily imagined that I did not confine my thoughts merely to the object of the exchange of prisoners, but that I was tempted at the same time to make use of frequent opportunities of communication, which came in my way, to feel the pulses of the respective parties from time to time, towards a general accommodation. It requires not the rank of a crowned head to become a mediator. The most private individual acting in plain and simple sincerity, is ten thousand times more adequate to obtain success in such an undertaking, than the most august court in Europe, acting from pride, passion, and self-interest. With respect to the court of Spain this may be brought to a clear test. If ministers will give their consent to lay before this House, all the papers and documents relating to the Spanish negotiation (which I shall move for before I sit down) you will see whether it be an unjust or harsh judgment upon the imputed motives of that court, to suppose that they have not been influenced by the view of restoring general peace and tranquillity to mankind; but that the passions of pride and self-interest have guided their conduct. I am sure, as far as we can judge by the sample of their principles, as contained in the late Spanish ambassador's rescript, of the 16th of June, now lying upon your table, the very first act of their interference, under the pre-

tence of a mediator for peace, ought to have been treated by a British ministry as an open declaration of war. For what does that rescript say of mediation? Does it even make a pretence of mediating for peace? No. It does indeed tell you, that a British ministry were mean enough to apply for the mediation of the court of Spain; but at the same time it declares most explicitly, on the part of that court, that their intention and plan was to lie in wait till Great Britain should have exhausted herself by war, and just at the moment (whenever it should arrive) that she should be upon the point of settling her differences with the other powers with whom she was involved, Spain had reserved to herself the right of interposing her hundred grievances, before any general plan of pacification should be suffered to take place. So much for the Spanish mediation for peace, as far as it appears upon the face of the rescript of the 16th June, delivered by the marquis of Almodovar. If the House should be of opinion to address his Majesty, to lay before them all the papers and documents referred to in that rescript, we shall then see the whole of that negotiation in its true colours. It is fit that ministers should give some account to the public why they have disgraced their country, by meanly courting the insidious mediation of an haughty and hostile power, the known and declared ally to France, by the family compact; and why they have, at the same time, refused honourable terms of accommodation, which were offered to them through a channel which could not be suspected of insincerity or deceit.

Sir, I am not conscious that I assume to myself any unbecoming claim of importance when I tell you, that I was myself the instrument of that mediation for preliminary terms of negotiation which might have led to peace. Sincerity and good will towards this country and towards America being the only qualities requisite in such a mediator, I hope that in those qualities, at least, I shall never be thought defective. In my private and circumscribed situation, every thought and labour of mine has been devoted, both in parliament and out of it, to point out those dangers to which the ministers of this country are continually exposing it, by their headstrong and inflexible obstinacy in prosecuting a cruel and destructive American war; and, at the same time I have endeavoured to trace the road to peace and re-

conciliation with America, as the fundamental remedy for all those evils which we have already brought upon ourselves, and all those still greater evils which, I fear, are lying in wait for us, if we should persist in following any other road than that which leads to peace.

The two great and cardinal points which I have kept in view, and which I have often suggested to the House in the course of the present session, have been the armaments of Spain on the one hand, and the obvious practicability of peace with America on the other, as deduced from the nature of the case, and the testimony of recent events in the course of the last year.

The American alliance with France was the effect of reluctant necessity; it was decisive; it was eventual, and would never have taken any effect at all, if the British ministry had not, insidiously under the simulation of peace, still persisted in exercising all the horrors of war. The ministry of this country pretended to offer peace, but the sword was under their cloak. And after all what was that pretended offer? It was an offer to talk about peace, but without any specific and bounden conditions. They required previously of America, that they should renounce that protection from a foreign power, which they had been driven to seek in their own defence, and in the face of mankind to break their first engagement of public faith with a power from whom they had received assistance. Let that engagement have been ever so reluctantly incurred on their part, from cruel necessity imposed upon them by a British ministry, it was still binding upon them; and that the motives which induced France to interfere, were not motives of magnanimity or affection was obvious to all the world. It was the convention of Saratoga which procured to America the active friendship of France. While the event of the American contest at that critical period was dubious, the friendship of France was prudential, unavowed, and undecided. The true test of magnanimity and cordial friendship would have been more feelingly proved in the time of their greatest difficulties and struggles in *rebus incertis*. Such conduct on the part of France, might have laid the foundation of permanent obligation. But still, in every case, engagements of honour are binding, without regard to motives. This ground, however, which I have now stated, is the

only foundation of the present connection between France and America; and it is this very ground itself which I take for my own argument and propositions for peace and reconciliation between Great Britain and America; America will doubtless perform all her contracted engagements; but whenever the British ministry can be prevailed upon or compelled by their country to abate their hostilities towards America, the common interests, mutual inclinations, habits of affection, and all the ancient ties of friendship and consanguinity between us, will again emerge into operation, and lead the two countries to peace and reunion with each other.

Being convinced of the necessary and infallible operation of these principles; being likewise fully convinced that both the nations of Great Britain and America ardently wish to sheath the sword and to spare the farther effusion of blood; and that the hearts of none but the ministry alone are set on vindictive purposes; I have, from time to time, felt the pulses of each party for some terms of accommodation, and if I could have obtained the concurrence of British ministers, I should have been in the fairest prospect of succeeding to my wish, for they alone were unconsenting. I will now lay before you those terms which ministers have thus refused, and which refusal has now actually brought on a Spanish war, superadded to the American and French war. If those terms had been accepted, America, at least, would have been enlisted on our side, in the cause of restoring general peace. But ministers are obstinately and inflexibly determined to plunge their country into every degree of confusion and ruin, which the gratification of their pride, madness, and revenge can drive us to, rather than to lay the foundation of national safety, in an equitable and sincere negotiation of peace and good will with America. On the other hand, you will see, in the course of that transaction, that the disposition of America is sincere for peace. The terms which I am now going to state to you are honourable for this country; they involve us in no act or proposition of unbecoming humiliation: if they had, I should never have been the proposer of them. The concurrence with those propositions of peace by the persons to whom America has entrusted the conduct of the negotiations, does honour to their country. In this act of theirs, on

the part of their country, I still recognize the heart of America unaltered to this country, (I do not mean towards its ministers), but America towards Great Britain. Remember, Sir, the words of their last petition, which was, indeed, trampled under foot by ministry, and judge if their hearts are not still the same. At that time "their breasts retained too tender a regard for the kingdom from which they derived their origin, to request such a reconciliation as might, in any manner, be inconsistent with her dignity or welfare." They do so still, when brought to the fair and free test. The proof of this is fixed by the free concurrence, on their part, with the following terms, which are fully consistent with every principle of equity and honour, at the same time that they are calculated to preserve the dignity and welfare of this country, and to restore peace and reunion with America. The terms are as follow: 1. That commissioners be appointed to treat, consult, and agree upon the final settlement and pacification of the present troubles in America, upon safe, honourable, and permanent terms, subject to ratification by parliament. 2. That any one of the aforesaid commissioners may be empowered to agree, as a preliminary, to a suspension of all hostilities, by sea and land, for the certain term of ten years. The withdrawing of the British forces is not proposed as a preliminary, but is reserved as the first article of the negotiation. The condition against which this should be set in balance, on the other side, must be a stipulation for the security of the friends of the British government in America. 3. That any one of the aforesaid commissioners may be empowered to agree, as a second preliminary, to suspend the operation of any and all acts of parliament, respecting America, during the terms of the truce. 4. That a truce of the aforesaid term of years be agreed to, and declared between Great Britain and France. 5. That the general treaty shall be set on foot for negotiation, as soon as may be after signing the aforesaid preliminaries. 6. That any articles of the negotiation may take effect as soon as agreed to by the parties, in the course of the negotiation, without waiting for the final conclusion of the treaty.

Sir, the House having now heard the terms themselves, I shall trouble them only with a short comment upon them, for I think they do sufficiently speak for themselves. Upon the first article I have but little

to say, by way of comment or comparison with the Spanish treaty, until we shall be more informed as to the plan and mode proposed for negotiation under the Spanish auspices. It is generally reported that that negotiation was to have been conducted at Madrid, at the nod of that court. If there be any sense of national honour left in this country, such a proposition should have been considered as a declaration of war on the part of Spain; I know the answer that an earl of Chatham would have given upon such an occasion. The answer which that great man, who carried the name of this country to the highest pinnacle of human glory, gave to a Spanish minister upon a proposition similar to this, in 1761, was this; "It will be time enough to make such propositions when you are in possession of the Tower of London." As to my own part, Sir, I should have thought it a disgrace to have entertained the most distant idea of meanly submitting the arbitration of British and American concerns to the court of Madrid, prostrating ourselves at their feet, the despised supplicants of their mediation and forbearance. I would concede every thing to reconciliation with America, I would give my heart to them; but I would not be dictated to by the House of Bourbon. The proposed treaty therefore under the propositions which I have just now stated was to have been free and open between the original parties concerned, and uncontrolled by any influence whatsoever, except the universal laws of justice and sincerity, and the returns of mutual affection between the parties.

The second article is, a suspension of all hostilities by sea and land for the term of ten years, with a condition annexed for the withdrawing of the British forces upon a stipulation on the other side for the security of the friends of the British government in America. Sir, you must certainly have made the observation already, that throughout all the above recited terms there is not the least mention of independence. I have industriously passed it by, with a view of avoiding every occasion of giving offence. But it may be urged in argument, that a ten years truce would amount substantially and eventually to independence; to which I reply, that if it be so, I do no more than follow a very pleadable example, namely, that of your parliamentary commissioners last year, who in canvassing with the Congress the point of independence, make use of these words:

"We are not inclined to dispute with you about the meaning of words, but so far as (by independence) you mean the entire privilege of the people of North America to dispose of their property and to govern themselves without any reference to Great Britain beyond what is necessary to preserve that union of force in which our mutual safety and advantage consist, we think that so far independency is fully acknowledged in the terms of our letter of the 10th of June, and we are willing to enter upon a fair discussion with you of all the circumstances which may be necessary to insure or even enlarge that independency." Now Sir, I only beg of you to bestow one moment's attention to compare this declaration with the second article of the propositions now under our consideration, and let any man tell me, whether there is any thing in that second article which precludes that union of force in which our mutual safety and advantage consist; or as I should express the same thing, though in other words, is there any obstacle thrown in the way by that proposition to preclude the negotiation of a federal alliance between Great Britain and America? The men who after so full a declaration as that through their commissioners last year on the subject of independence, professing their readiness to ensure, and even to enlarge it; those men, I say, who now would cavil at a ten years truce, as conveying an eventual independence which cannot be broader than that which they themselves last year were even solicitous to enlarge; those men, I say, do now give the most public proof, and the most explicit and shameless avowal of their duplicity and insincerity, in those fallacious offers which they transmitted through their commissioners last year to America. Who will give confidence to such ministers that they would have ever ratified their own proposals of the last year, when it is considered that those very ministers have now rejected the propositions which are at present under our discussion, upon no other ground of objection but the inadmissibility of a ten years truce, as conveying some possible degree of independence in the event, but which certainly does not convey any degree of independence broader than that which they offered spontaneously themselves last year to ensure and even to enlarge. So much then for the good faith and consistence of ministers.

But, Sir, with your permission, I cannot agree this point of a ten years truce

being tantamount to independence upon another ground; we have had much evidence brought to our bar lately to prove to us that four-fifths of America are zealously attached to their ancient dependence upon this country and languishing to return to that dependence. This is the language universally held and proclaimed by the dependants of ministers and by ministers themselves. Then mark the consistence of this language with the argument now insisted upon by the same persons, viz. that a ten years truce is equivalent to independence. What! are four men out of five throughout America languishing to return to their dependence upon the ministers of this country, and are these four-fifths defeated of their ardent wishes by the combination of the fifth men, who having arms in their hands, are at present masters over a great majority of their countrymen; and is a proposition the very first object and operation of which is by a suspension of arms for ten years, to disarm the tyrannical few who now controul and compel the multitude against the bias of their inclination and interest, thereby giving full and free scope to those supposed dispositions to prevail without controul, if they do exist; is such a proposition, I say, upon the foregoing premises to be considered as establishing independence? No, Sir; men who can pretend to be convinced, notwithstanding such inconsistencies in their own arguments, have other secret motives and meanings in their conduct, which no reason will ever conquer; they can mean but one thing; which is, to frustrate every possible offer of reconciliation with America; and they have not the common decent regard for their own character or consistence, to be scrupulous upon the pretext, how shallow soever it may be, if it will but serve their turn for the day.

But, Sir, there is another ingenious turn given to this argument of the ten years truce as being tantamount to independence. The *argumentum ad hominem* is turned upon myself. It is said, you at least do not believe all the stories that are related about four-fifths of America being attached to the dependence upon this country, therefore at least, according to your view of things, this proposed concession of a ten years truce must be considered as an equivalent to independence. I have an answer likewise for this cavil; and it is taken from the very persons themselves who make the objection. I

may call every member in this House to be my witness that whenever ministers have spoken upon this point of independence, they have always declared it to be absurd in the highest degree to attempt the government of any country contrary to the general sense and inclination of the people. I agree with them perfectly in that opinion; but I cannot conceive by what inference of logic they can urge that as an objection to me, which they maintain as a principle themselves.

I think, Sir, that I have now answered all the objections which I have heard thrown out against the proposal of a ten years truce upon the score of independence, or I should rather say that the objections have answered themselves. As to the proposition of a ten years truce taken upon its own ground, it seems to bid the fairest of all possible arrangements for producing peace and reconciliation. Time given for cooling on both sides may have excellent effects. When the bayonet is removed from the breast, and all the horrors of war are abated, the natural disposition of the parties on both sides will have full and free scope to exert itself and to lead the way once more to reconciliation, re-union, and peace. So much, Sir, for this second article; as for the condition annexed to it, of requiring security for the friends of the British government in America before the withdrawing of the British forces; it is so reasonable in itself and indispensable on our part, that it requires no farther comment. It is impossible for the British nation, as a nation of honour, in any event, to desert those unfortunate persons, who, at our invitation and encouragement, have ventured their all in support of the British claims in America. Sir, I have taken the liberty to detain the attention of the House a little more at length upon the consideration of this second article, than will be necessary upon any of the others, because it is the hinge upon which the whole of this negotiation has turned. It is this article which has been declared by his Majesty's ministers to be totally inadmissible, as being equivalent to the admission of independence. I have stated the arguments upon this point so fully already, that I have nothing further to say upon the subject. Such an opportunity once thrown away will, I fear, never be recoverable again. It remains now with ministers to reflect upon that important and tremendous responsibility which they have taken upon themselves

by that refusal. A Spanish war, added to all the rest, is come upon us already since that refusal. It has been owing to the headstrong counsels of ministers, and to their inflexible obstinacy, that this country is reduced into those difficulties in which we are at present involved. Those men, therefore, are plunging themselves still deeper into national responsibility, who obstruct and refuse every practicable proposition for laying that foundation of peace which might extricate their country. They now stand responsible to procure, either by arms or counsels, some terms more satisfactory, more honourable, and more practicable than those which they have refused.

I shall now proceed shortly to go through the remaining articles. The third article is for a suspension of all acts of parliament respecting America during the terms of the truce. The object of this article is obvious; viz. to open the door to a free communication between the two countries, during the time of the negotiation, and to familiarize the parties together in the habits of ancient affection and intercourse, without any stumbling block in the way. If the acts of parliament are suspended in their operation, the question of independence need not at all be called out. It may lie dormant, and as it were in abeyance; whereas if these acts were not suspended, the question of independence would be driven to decision upon the arrival of the first American ship into a British port; in which case it must either be expressly given up or asserted by force, and so all our labour for peace would be lost.

The fourth article, which extends the truce to France, requires but little explanation. It only serves to remind us, that the time is past, when these propositions might have laid the foundation for a general peace. It is not my fault that this article is now become insufficient to adjust the terms of a general tranquillity since the interference of Spain. But even now, Sir, desperate as the case is, I would still follow up our fundamental principle in laying the ground-work of a general pacification by an offer of accommodation with America. Peace must undoubtedly be both the interest and inclination of America. It cannot be their object to be dragged through an European war, indefinite as to its probable duration. The hostile ambition of the House of Bourbon may lead them on to war, but the dispo-

sition of America is not belligerent, unless from necessity; by no means so from choice. In this maxim the whole difference of the principle is comprised between the mode adopted by the ministry in treating for peace through the court of Spain, which, by inherent jealousies and grudges of their own, as well as by the family compact of alliance with France, can be looked upon in no other light than as a belligerent power, and virtually a constituent part of a deep combination against this country from the very first moment of their interference. The application to such a power, under such conditions, was the utmost excess of all absurdity and meanness on the part of a British ministry. On the contrary, the principle upon which I rested all my expectations and hopes of mediating for peace between the parties, viz. that of operating through the interests of America by an offer of peace to them, who ardently wish to sheath the sword, and to stop the farther effusion of blood, that principle, I say, is consistent with reason, founded on fact, and has been verified by the result, as far as concurrence on their part could contribute to set forward the great work of peace, which British ministers, on the other hand, have always made it their principal object to defeat.

This principle of going to the work of peace through the interests and pacific inclinations of America, is the sure way to arrest the ambition of the House of Bourbon, in as much as they set any value upon their present or the prospect of any future connection with America. I would therefore still follow up the same principle, by resuming the offer of a truce for ten years, upon the foregoing terms to America, and as the proposition of extending the truce to France was inserted in the late negociation, with a view to accommodate the terms of that negociation, to certain engagements in which America had bound herself to the court of France; so if, since that time, America has actually bound herself in any similar engagement with the court of Spain, the argument, which applied before to France, becomes equally applicable to Spain. In this case, the fourth article reformed would run thus, that a truce for the aforesaid term of ten years be agreed to and declared between all parties concerned.

As to the fifth article, being only for the opening of a general treaty after preliminaries are agreed to, it requires no comment. The sixth article proposes,

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that the articles of negotiation shall take effect as agreed to, from time to time, without waiting for the conclusion of the definitive treaty. The object of this article is to prevent, as much as possible, any return to a state of war after the first declaration of the truce. If the several articles which may be agreed to in the course of the treaty were still to be suspended till the final conclusion, they might all fall together perhaps upon some rub in any single article before the conclusion of the truce. If they take place immediately as agreed to, their salutary and pacific operation will convert a truce eventually into a permanent peace.

I have, Sir, now finished all that I had to say upon the subject of those terms of negociation of peace with America, which, if they had not been refused by British ministers, might have laid a foundation of general peace and national tranquillity. I fear the time will come, and perhaps it is not very distant, when we may bitterly regret that refusal. I do most earnestly recommend it to those who have weight and influence in this House, not to let this session pass without some specific terms of peace offered to America, but I fear the fatal resolution is taken, as far as relates to ministers at least, to shut their ears and their hearts to any pacific propositions. However ineffectual any thing that I can say may be to influence the conduct of ministers, yet it shall never be said that a public parliamentary offer has not been laid before them to lead them into the road to peace, if they are willing to pursue it. After the motion which I have already announced to you relating to the documents of the Spanish negociation, I shall take the liberty to offer a second motion for a Bill to appoint commissioners to treat, consult, and agree, upon terms for settling the troubles in North America. Here, Sir, I shall leave the matter. "*Liberaui animam meam.*" If some terms of peace with America be not concerted and proposed before the termination of this session, I shall dread the consequences. The first gun that fires to announce the prorogation of parliament, without some specific plan of peace offered to America, will make my heart tremble. I fear in its consequences it will shake this empire to its foundation.

The motions were: 1. "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this

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House, copies, or extracts, of all letters, memorials, and answers, and of all other papers containing any information respecting the mediation which the marquis d'Almodovar, in his rescript of the 16th of June instant, declares to have been desired of the court of Spain, relative to the disputes of the court of London with its American colonies and with France, and which he declares at the same time to have been accepted by the belligerent powers, that his faithful Commons may take the same into their most serious consideration, and give to his Majesty their advice accordingly. 2. That leave be given to bring in a Bill, to enable his Majesty to appoint commissioners, with sufficient powers to treat, consult, and agree, upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces, in North America."

The motions were negatived. There was no debate, the ministers not saying a word.

Debate in the Commons on the Bill for doubling the Militia.] June 21. Lord North took notice of the critical conjuncture of affairs, and of the hostile designs of the House of Bourbon, from whom this country must naturally expect every danger that ambition and perfidy could invent. He then adverted to the possibility of an invasion, and of the necessity of guarding against such an event; he considered the militia as the grand national force, and therefore thought one of the steps advisable to be taken, was to increase its number. He suggested doubling it, as the most effectual means of raising a large army in the most expeditious manner, for the better defence of the kingdom, and after dwelling on the expediency of the measure, and its practicability, at the same time declaring that he proposed it merely as an expedient, and meant to limit the Bill to one year; he moved, "That leave be given to bring in a Bill for augmenting the Militia."

Mr. Fox contended, that as the motion made by the noble lord was an alarm to the whole kingdom, and an acknowledgment that parliament thought the country in the extreme moment of peril, it would be idle to adopt the measure unless it was known that the proper exertions of another nature had been previously made, and that doubling the militia was not the single point on which his Majesty's ministers

rested the security of the country. He then discussed the situation of our naval strength, mentioning the force of France and Spain, and the force that we now had, as well the squadron sent out under sir Charles Hardy, as the ships of the line at home and elsewhere, and asked if preparations were carrying on with the necessary vigour and dispatch to reinforce sir Charles, declaring that much depended on the ability of that fleet to cope with the fleets of the House of Bourbon, and that every ship-carpenter, every labourer in the dock-yards, every man in the kingdom, capable of holding an adze or driving a peg, ought to be employed in fitting out those five or six ships, which he understood to be nearly ready, and which were designed to be sent to sir Charles. He said, with regard to the proposition of doubling the militia, it certainly might be one of the means that ought in the present exigency of affairs to be adopted; he believed, however, that it was a measure liable to some objection, and not so practicable as the noble lord in the blue ribbon seemed to imagine; men might possibly be got, but it might not be an easy matter to find officers; he did not mean, by saying this, to throw impediments in its way; he should not oppose the motion himself, nor any motion calculated in any manner whatever to strengthen and add to the defence of the kingdom. God knew this was a moment of great public danger, and every means of every sort which were in the least likely to enable us to resist our enemies, were proper to be adopted, and should have his hearty support.

With regard to the militia, many considerations respecting them might occur in the course of the progress of the Bill. It might be a question, whether in a time of so pressing and critical a nature as the present, it would not be right to give the King a power of sending a part of the militia over to Ireland, to defend that country; as affairs now stood, it was to many gentlemen a matter of expectation, that the French would attack us in that quarter. Was Ireland in a proper state of defence? Ireland and England he considered as one and the same. Their interests were, or ought to be, mutual, and the defence of the one was as much worthy the consideration of parliament, as the defence of the other. He called upon ministers to know why, as they could not but have foreseen the present danger, they had put off the defence of the kingdom to the last mo-

ment? Why, if the measure the noble lord had now proposed, appeared to them, upon due deliberation, to be so proper and so necessary, they had not come with it to parliament sooner? It would have been idle to have argued, that it would have given the kingdom any unnecessary alarm. It could never be wrong to throw out an alarm in time, because, however for the moment it might operate as a shock on the people, their panic would be less when the danger really came, and when the enemy were at their doors, they would be better prepared to resist and repel them.

He said, he would not, in a moment like the present, mention names, or go into personal attack upon the ministers; but could they tell the people that the fleets and armies, upon the effectual operations of which the preservation of the country depended, were in the hands of the best and ablest officers? Was or was not every officer, to whom the people had been accustomed to look up with a perfect confidence, driven from the service? Were they all in employment, and cheerfully acting as they ought to be in the service of their country? After a variety of questions of this sort, Mr. Fox declared, that while the present ministry kept their offices, the people would despond, and despair of any success in the very important war that was impending; for what good could they expect from the conduct of those very men whose measures had already lost us America, and incited France and Spain to pursue those hostile steps that they were now taking against us. He complained of the state of the navy as scandalously unequal to the present exigency of affairs, after the immense sums that had been voted for it, and the repeated assertions that it should be superior to the united fleets of France and Spain, and used a great many strong arguments in proof that the ministry ought not to be trusted any longer.

Lord *Beauchamp* said he had more than once had it in contemplation to make the very motion that had been now offered, but the obstacles that had been thrown in the way of the amendments offered, to stand part of the usual Militia Bill, had discouraged him from the attempt. He hoped that now the House would be unanimous, and that he should no longer remain in a minority on a militia question. He stated that the present nominal amount of the militia was 30,000, but from the nature of that service, from the expiration

of the men's times continually, the kingdom could not, at any period, depend upon the actual service of more than two thirds of that number; that therefore, if the present motion were adopted and the Bill passed, gentlemen would consider, that the militia then in service, would be no more than 40,000, a number by no means too great, considering the emergency of affairs, and that the militia were the only stationary defence of the kingdom. His lordship further said, that the present might be a good opportunity of removing such objections as might yet remain against the usual Militia Bill. He adverted to the strength of Ireland, and said, that was a matter well worthy the consideration of parliament. Ireland had, from the nature of its agriculture, no large magazines of corn, it had no fortresses and no money; all of which would be necessary if Ireland was attacked, because otherwise a large army could not make its necessary movements, or exist in that country. His lordship mentioned the military associations, and said that they would require some attention and some subsistence. He said, that he hoped to see cordiality prevail, in furthering the measures which might be necessary to enable government to carry on the war against France and Spain; that he was happy to find there was no very marked shade of difference of opinion between the sentiments of the gentlemen of either side the House, on the subject of the war.

Mr. *T. Townshend* declared that he did not approve of measures which shewed that the intended system of the war was merely to act on the defensive. No good could accrue to the kingdom from a war carried on in that manner. He said, the progressive periods of the war had been so many steps from bad to worse, and that it was impossible, giving the ministers the fullest credit for possessing more ignorance, more weakness, more folly, more absurdity than any other men in the kingdom, that so complete a scene of misfortune and national ruin as distinguished this country at present, could have owed its origin to mere incapacity and want of sense; he would speak out—there was treachery and corruption in the case. He vowed to God, he believed there was something about the court and the cabinet that bought and sold; some black traitor, whose base purpose it was for a stipulated price to undermine and destroy the very existence of Great Britain as a great

people; he protested in the most solemn manner that these were the sentiments of his soul, and that he could not imagine that any other cause than treachery and corruption could have produced such dire effects, as all men now saw and were alarmed at. He complimented lord Beauchamp on what he had said respecting his intention of suggesting this measure of doubling the militia months ago, and said, he felt it as a happy presage, that when the noble lord should one day fill any of those high offices of this country (if by the blessing of Providence it escaped the dangers that threatened it) which his high rank and character entitled him to, the noble lord would not, like the present wretched set of ministers, wait till the enemy was at the door, but would wisely look forward, and put such measures in practice as were likely to avert every possible danger, at such a time as should render them effectually serviceable. He lamented, however, at hearing the noble lord avow that there were neither magazines, forage, fortresses, or money in Ireland, to enable that country to act in its own defence, in case of an attack, and rendered the declaration a fresh ground of reprehension of ministry. He adverted to the loyalty of the gentlemen of the armed associations, and gave an instance of their discipline and service on a late occasion. He pointed out the raising of regiments as a better mode of preparing for the defence of the kingdom, than doubling the militia; because, when soldiers were wanted for the purpose of acting in various places, it certainly would be most advisable to array that kind of soldier whose service was not confined to this kingdom, but who might be employed wherever occasion required.

Lord North apologized for rising a second time, but said, that what had fallen from the hon. gentleman respecting treachery and corruption would render his silence unpardonable. The hon. gentleman had thrown out a charge in such general terms, that it was impossible to fix it on any one person, or to discover at whom it was levelled. Since, however, it was a charge of a most serious nature, and considering the very critical situation in which we stood, he declared it was highly necessary to purge the cabinet and the councils of traitors, to drag them forth to open day, and to deliver them over to condign punishment; he earnestly hoped therefore the hon. gentleman would

not content himself with general and indiscriminate assertions, but would state the facts on which he rested his charge, and point out the persons guilty of so foul a crime. He for one, could with the most perfect consciousness of innocence lay his hand upon his heart, and declare that he knew not to what the hon. gentleman alluded, and therefore, as the charge (not being personally aimed) might involve the innocent as well as the guilty, if any such there were, he did implore a word or two of explanation; he the rather trusted that such an explanation would be given, because the hon. gentleman's justice and candour were at stake. He certainly would not let a charge of the nature he had stated go out into the world in the loose and indefinite manner in which he had made it; the hon. gentleman had too much humanity and too great a regard for the interest of this country. Having said this, his lordship spoke to several matters that had been mentioned in the course of the debate. The present motion, he said, by no means led to the doubling the militia, as the single measure which the King's servants had adopted as proper for the defence of the kingdom. The exertion in the naval department which the hon. gentleman alluded to, had been set about, and the proper orders had been given for the utmost dispatch to be made in every one branch of the executive government. The ships, now fitting out, which were several more in number than the hon. gentleman had stated, would be ready very soon to reinforce sir Charles Hardy. All the means that had appeared proper to be put in practice had been adopted to strengthen the kingdom. The present idea respecting the militia was not all we had to look up to. There were at present in the kingdom 71,000 land forces, of whom 63,000 were effective men. This was a larger number than had ever been known to be within the kingdom on any former occasion; and it was intended to double the number of the militia, because government were desirous of putting nothing to the hazard. With regard to any alterations respecting the discipline or disposal of the militia, the committee would be the proper place for discussing them. As to inserting a clause to give the King a power of sending a part of the militia to Ireland, that was a serious matter, and before he adopted the idea, he wished to know how far such a measure would be agreeable to Ireland. As the present was

not a day for the discussion of opinions, but a day for action, he should enter into no argument about his private sentiments, either on this, or that topic. The business would not admit of delay. France and America were in confederacy, and Spain in arms against Great Britain; he could not say whether Spain had signed a treaty with America or not. [Mr. Fox said, across the House, "the treaty between America and Spain is signed."] There was therefore not a moment to be lost. Government saw the necessity of being active, and he, for one, had not been idle a moment since the Spanish rescript was delivered. The doubling the militia was found to be the most practicable mode of having a large army on foot in a short time, and therefore it was adopted in preference to receiving the offers made to government by several individuals; offers which did those individuals the highest honour, and which, he was persuaded, originated in the purest of all possible motives, that of a sincere love of their country, and an anxious zeal to serve it in the hour of difficulty. Government was much obliged to those who made the offer, and only declined accepting them, for the reasons he had stated.

Colonel *Barre* said, he was so depressed by the situation of affairs, so thunderstruck at the dangerous crisis in which we stood, that he had scarcely the faculty left, of discriminating what was proper to be adopted at present from what was improper. He feared the practicability of officering the militia if they were doubled, and argued against sending a part of them to Ireland, or officering them with regulars. If the latter were practised, there was an end of the true constitution and original intention of the militia. With regard to sending them to Ireland, though he considered the interest of the two countries as one, he wished that the inhabitants of both should defend each man his *natale solum*, and asked why the parliament of Ireland had not been convened, and whether there were not Protestants enough to elect a militia of their own out of? He began an attack on the noble lord in the blue ribbon, and said, even if it was proved that he was guilty of treachery and corruption, he would not be the first English minister that had been a traitor; that one had received three pensions from three kings at the same time. One from king James, a second from king William, and a third from a third monarch, he forgot who.

He said the crimes of the noble lord were black enough, before he had sunk into the deep damnation of incurring the Spanish war, to have warranted the suspicion of treachery. Though the sovereign was blind to the misconduct of the ministry, his subjects would soon have their eyes open to it, notwithstanding they had the writers in every London newspaper, to support and defend them; for among other of their arts, they had taken care to make sure of all the London papers.

Lord *George Gordon* said, he never would support government, until the present ministers were turned out.

Mr. *Burke* said, he blamed ministry for their last act of negligence more than for all their former blunders, that of not having the squadron under sir Charles Hardy at sea earlier; because if the grand fleet had been off Brest any time about the latter end of May, or the commencement of the present month, sir Charles would have had it in his power to block up the French fleet under d'Orvilliers, or have fought the British fleet upon equal terms. He reminded the noble lord, that on that day three weeks he informed the House, that the court of Spain was at that instant an enemy, and an avowed one; that for some days before all mediation had been at an end; and that at the instant he was speaking Spain was leagued with France, and that we should immediately have the whole force of the House of Bourbon to contend with, as every branch of that House was combined for our destruction. He argued against the absurdity of chusing to call forth that kind of soldier whose service could not be employed where it might be wanted, in preference to that sort of soldier not so circumstanced. He said he should support the motion.

Lord *John Cavendish* was not for trusting those ministers to play the kingdom's last stake who had reduced it to that stake.

Colonel *Onslow* said, the great duke of Marlborough had declared, that 50,000 men was a sufficient force to defend the kingdom against an invasion. He was for taking the half-pay officers into the militia.

Mr. *Sawbridge* said, the measure under consideration, however objectionable it might be, he should not oppose, because when any thing was offered on the express idea of its tending to strengthen the kingdom in times of great public danger, he should give it his support. He hoped,

however, that the present ministers were not to continue in office, because he never could consent to trust those men with additional power who had already profusely wasted the blood and wealth of the nation, and whose weak politics and wicked practices had drawn on us that alarming load of calamity, which pressed upon this country at the present awful crisis. So far was he from thinking differently from his hon. friend who had before talked of the treachery, that he thought too highly of the noble lord's sense to suppose, that those counsels and that adoption of measures which had induced our misfortunes, were imputable either to indolence, neglect, or incapacity. He should insult the noble lord were he to declare, that any thing short of treachery, or something greater than incapacity, could have been the acting cause to goad the noble lord to pursue that ruinous system, which he had at last brought to so fatal an issue, after having been so often warned of the impolicy of the measures he was pursuing, and advised that nothing but a total change of system could produce better success. For his part, he imputed all our present danger to the noble lord; for what had been the declaration of the noble lord in that House some time since? "The ship was in a storm, and in a boisterous sea when I took the helm; give me your confidence, and I will bring you safe into port." In consequence of this language, the noble lord had been trusted, nor had he changed his stile till, by the pressure of additional ill success that followed every one of his weak measures, it was impossible for him to expect that great reliance would be any longer reposed in his talents as a state pilot, and then, with peculiar modesty, the noble lord had said, "When you can find a man in the kingdom more able to conduct the affairs of government than I am, I shall be ready to resign, but till you can I shall continue in office." Mr. Sawbridge asked where was the man to be found who pretended to the smallest skill in finance or in politics, who was less capable of conducting the public affairs of a great people, than the noble lord had proved himself? He, for one, did not think that being existed. He charged the noble lord with having been the immediate cause of every one of our present political evils; it might, he owned, be remarked, that he spoke with great warmth; it was most true, and he begged to know if it were possible not to feel warmly at such a crisis? He had

inherited from his ancestors an estate which he had once hoped to be able to surrender, unimpaired at least, to his children. His fortune and his estate certainly, compared with those of many gentlemen in that House, were very inconsiderable. It was, however, as he before said, his family estate, and he had a reasonable expectancy that as it came to him, it would have descended to his posterity. That expectancy could no longer be depended on; a Frenchman or a Spaniard might be his heir; what was more, they might wrest it out of his hand, and he himself, with his family, might live to want that income which he hitherto enjoyed. Much as it had been the practice to ridicule the citizens of London, and to turn a deaf ear to their complaints; he should nevertheless tell the noble lord that he was going on the morrow to a meeting of the common council, where he knew it would be proposed to offer their lives and fortunes in the service of their country; but he did assure the noble lord, though the offer would be very sincerely made, it would be made conditionally; not a shilling would be given, nor a single man voted, unless the noble lord and his colleagues were dismissed from their employments, and the conduct of the war entrusted to abler hands. The citizens of London were now as loyal to their king, and as zealous to serve their country, as ever they had been, in moments of national emergency; they wished most anxiously to support government against the united efforts of our natural enemies. They would willingly lay down their lives to repel the hostile attacks of the House of Bourbon, although they detested the American war, to forward which they would not give a shilling. Neither would they now, he could answer for it, by their persons or their purses, contribute to the exigencies of the war with France and Spain, unless the noble lord in the blue ribbon (who had repeatedly slept in that House, and who seemed never to be rightly awake but when some lucrative reversion or some new emolument was to be disposed of; which he was as active as any man to grasp at for himself and family) was removed from the power of doing further mischief, and deprived of the opportunity of completing the ruin of the kingdom, which, if we were to judge from events, seemed to have been his favourite object ever since he came into office.

Lord North apologized for speaking again; but something had dropped from

the hon. gentleman who spoke last, which rendered it necessary that he should not let it go out of the House without saying a word or two respecting it. The hon. gentleman had thought proper to reiterate the charge made upon him by another gentleman on the score of treachery and corruption; but neither of the hon. gentlemen had mentioned any one circumstance that tended in the smallest degree to substantiate the charge, or to bring it home to any individual member of administration. The hon. gentleman who had spoken last had alledged, that the only ground on which he rested his suspicion of treachery, was—because that he and the other members of administration had acted contrary to the opinion of the gentlemen of the other side of the House. He begged, therefore, that it might be generally understood, that the charge of so foul a crime as that of being a traitor to the state, thrown out at random in so critical a conjuncture as the present, so far from having been attempted to be proved, rested altogether upon the inference deduced from administration's having pursued such measures as had not met with the support or applause of the hon. gentlemen and their friends. The moment he heard the charge, it struck him as a most serious one; that if there really was such a wretch in the cabinet as a traitor, those counsels ought instantly to be purged of treachery and corruption; the charge should be fully investigated, and the person against whom it should lie, be dragged forth to public infamy. With regard to what the hon. gentleman had been pleased to say of him personally, all he should reply was, that whenever it was thought necessary to examine into his conduct, he was ready to enter into the examination, and to answer for every piece of advice he had given his Majesty, or of any one measure that he had supported. He desired, in the mean time, that it might be recollected, he never had pretended to be the prime minister; he had only acted as one member of the cabinet; not that he said this by way of evasion, he meant to evade nothing but the charge of presumption of his being prime minister, a presumption which he had never assumed, and which therefore he ought not to be charged with: at the same time that he said this, he held himself answerable to his country for every part of his conduct; nor could he see any the least reason to dread an enquiry into it, when every measure that had been

suggested in parliament, and pursued by his Majesty's ministers, was an attempt to prevent the rebels in America from invading the just rights of this country: an attempt which at least two-thirds of the people had thought highly proper and strictly justifiable. [A loud cry of No, no!] His lordship said, it did not signify gentlemen's interrupting him in that manner; the fact was undeniably as he had stated it.

The hon. gentleman had attacked him on his activity to acquire reversions and emoluments. In answer to this, he said it was a very natural thing for people who did not enquire into the truth of assertions thrown out in parliament, to be led away with an idea that the repeated attacks made upon him on that score, were well founded. Let gentlemen, however, as he had been called upon to speak to the charge, only see the small degree of truth that belonged to it. He had been in a most laborious and very expensive office for twelve years, without asking for a single emolument, either for himself or his family; the last year his Majesty was graciously pleased to send for him, and present him with the place he then held, the wardenship of the Cinque Ports. He accepted it, but it was well known that he refused to accept it with the lucrative salary which the noble person who held it before him received while he held it; the salary which he received, and expressly at his own desire received, was that lower salary which had been paid previous to the office having been bestowed on his predecessor. He really did not know what the income of it was exactly, because he had not enquired what it was, but he believed about 1,000*l.* a year. He had, however, told his Majesty that he was ready to resign it whenever he was called upon for that purpose, and that readiness he should still adhere to. Another charge of rapaciousness was, that he had procured a reversionship for the lives of two of his sons, in the customs. The charge was not true, that he sought the reversionship, though it was true that he had accepted it. Let gentlemen consider the nature of this reversionship; it was the very same that had been given to Mr. Pelham, on his being appointed to the very office which he then held. It would be worth 1,000*l.* a year, and was granted no the lives of two of his younger sons. The third benefit his family had received, was a place which lately fell vacant, in the gift of the treasury, and was of so trifling a

value, that several of his predecessors in office had thought it beneath the acceptance of any part of their family, because they looked to much greater emoluments. The place was worth 500*l.* a year; and as he thought it sufficient for his son, he had, with the consent of his brethren at the board, been appointed to it. This was all the benefit that he or his family had reaped, in consequence of his holding the office he then possessed. He repeated it, that he had not asked for, or sought after, any one of his emoluments; he was ready to resign his wardenship of the Cinque Ports; and when he went out of office (which he assured the hon. gentleman he was and had long been as desirous of quitting, as he could possibly be of having him dismissed) after his twelve years laborious service, his family would rest in possession of 1,500*l.* a year. This every gentleman must know, however greater the merits of his predecessors in office might have been (and that they were much greater, no man was more ready to allow than himself) was out of all comparison less than any one of them had received. He hoped that gentlemen would not think he had shewn a very avaricious disposition, or had been eager to grasp at reversions or emoluments, as had been so often asserted, when it was recollected that the whole he was in possession of was 1,500*l.* a year for his children, and that his was a pretty numerous family. [At these words his lordship struck his breast, and burst out into a flood of tears, probably from the casual recollection that one of his sons lay dead at that moment. The House, touched at the circumstance, called for the question, but his lordship, recovering himself, desired leave to go on.] He said that no part of his conduct, while he had been in office, warranted the charge of avarice; naked he came into the world, naked he should go out of it; he was not a rich man when he was first appointed chancellor of the exchequer, he should not go out of office a rich man; and he defied any one to prove that enriching himself, and those that belonged to him, had ever been his favourite object. He was as sorry for the critical conjuncture of affairs, as any one could be; but the misfortunes of the day were such as were not to be avoided; they did not originate in any fault of his, and he wished that gentlemen, instead of personality and invective, would unite in the service of the kingdom, and join hand and heart in endeavouring to render the insi-

dious efforts of the House of Bourbon against this country nugatory, and to punish her for her perfidy.

Mr. *Conolly* mentioned the great poverty of Ireland, and appealed to the noble lord, whether he had not in his pocket at that moment a paper which proved that the very money Ireland was now expending for the purposes of her establishment was to the amount of 500,000*l.* of it, raised by loan in this kingdom.

Mr. *Aubrey* said that at a juncture so alarming as the present, the question was not about any of the present opinions the noble lord in the blue ribbon had just told us he had of the state of America, or about any of his past attempts upon the rights of that country, but whether we should entrust our own rights, and every thing that was dear to us, to the care of that minister, whose conduct had brought us into this calamitous situation? There might be different opinions concerning the original cause of this war, but there could, at that day, be but one concerning the consequences of it. It was not the unanimity of the House, which the noble lord had so much boasted of, it was not the voting the proposed addition to the militia, that would save this country, it was the ancient spirit of it, which must by some means be brought back. We must do away that supineness and that despair which the distressed state of public credit on the one hand, and the enormous expence of the government on the other, with the repeated disappointments of the nation, from the inefficacy of that expence, did but too well account for. Therefore if we would really excite the exertions of the public, it was necessary first to regain their confidence, for without that it required no great sagacity to foretell that this country would soon become a province to the House of Bourbon.

The Bill was brought in and read a first time.

June 22. On the motion for the second reading of the Bill,

Sir *George Yonge* said a few words on the extent of the danger of the present crisis, and on the consequent necessity of taking such measures as should effectually conduce to the defence of the kingdom. In lieu of the present bill, he proposed arming the whole country, as our ancestors had done on former occasions of public peril, and spoke of the manner in which such a measure could not only be carried

into execution, but the effect also which such a plan, if reduced to practice, would most probably be attended with.

Sir *Charles Bumbury* declared he was encouraged to deliver his opinion on the important Bill then under consideration from the favourable reception which that he had given early in the session, concerning the necessity of union, the expediency of employing the vigilant, active, and able, of whatever party or description, in the service of the state at this alarming crisis, had lately met with from gentlemen on both sides the House, whose influence with their sovereign, and respectable talents, he flattered himself would enforce the doctrine he had earnestly, but in vain, recommended; and produce that unanimity, zeal, and alacrity, which would actually arise from a confidence in those who administered the affairs of the state; without which confidence it was vain to hope for success against our formidable adversaries. That as he placed his first hope in wise and active counsellors, so he still continued to place his second in the British navy, which he had been taught from his infancy, to look up to as the bulwark of this island. That he therefore reflected on the principle of this and other modern acts of parliament with concern, as tending to augment our land rather than our sea forces. That the present Bill implied a diffidence in our fleet, as it provided for an additional defence by land, to the great army we already possess, stated to amount to 63,000 effective men, and implied that this country was likely to become the seat of war. That however proper it was to guard against every possible calamity, he thought the first object was the strengthening of our fleet under sir *Charles Hardy's* command. He understood there were seven or eight ships of the line almost ready for service. That if shipwrights were wanting to complete them, he recommended sending carpenters from every town in England to assist in the dock yards; that if seamen sufficient could not be procured to man them, he apprehended the present Bill might be so modelled as to furnish a number of landmen, a certain proportion of which might be distributed amongst the different crews, a method adopted by this country in former wars, by our enemies in the present, and which the want of American seamen (18,000 of whom had assisted us in our last conflict with the House of Bourbon) rendered necessary at this

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juncture. He deemed 'it expedient to make our fleet as strong as our utmost exertions could effect, before we went forth to oppose the united fleets of France and Spain; that being so enforced, it was our advantage to combat the enemy on the ocean rather than on land; that our sailors were superior to theirs, whilst our raw troops on shore would, he feared, prove unequal, however brave, to the veteran battalions of France. He therefore lamented that our fleet had been weakened by recent detachments, ever since the intentions of Spain must have been foreseen by administration, which was the more extraordinary, as the reason alledged last year for not sending a reinforcement to lord Howe, was the necessity of a home defence. He regretted the departure of sir *Edward Hughes* for the East Indies with seven sail of the line, notwithstanding he had made the important seizure of the unhealthy island of *Goree*, after it had been evacuated by the French. He hoped, however, since he was sent thither, he would have the speediest information of the Spanish war, that he might attack the *Manillas*. He lamented likewise that admiral *Arbuthnot* was sent to America at this crisis, with several ships of force, and a number of transports, the seamen of which would have served to have manned the men of war now lying in harbour, and altogether have rendered the fleet under sir *C. Hardy* stronger by 18 sail of the line, and thereby equal, or nearly so, in strength, if not in number, to the boasted navy of our adversaries. To give it all possible strength however, he recommended, that half the men, viz. 15,000, proposed to be raised by ballot under the present act, should serve on board the fleet; and the other 15,000, instead of being formed into regiments, as proposed, with new officers, who wanting themselves to be disciplined, would be very unequal, however zealous, to discipline the common men, should be incorporated in the regiments of their respective counties, making the companies to consist of 100 men each, instead of their present number, and adding one inferior officer to each company, by the promotion of the present ensign to a second lieutenantcy, and that of an expert serjeant in each corps, to be chosen by the commanding officer, to the ensigncy, by which means the new men might be trained very expeditiously, whereas by the mode proposed of new regiments, it would be impossible for them

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to be of any service during the ensuing summer, at which time their service would be required.

General *Burgoyne* mentioned a variety of military topics, in order to shew that it would be better to raise new corps than to increase the militia. The general particularly recommended exertion, spirit and vigour, and advised the calling out the yeomanry, on whom, he said, more dependence was to be placed in a certain state of national defence, than on any other order of people.

Earl *Nugent* exhorted every gentleman to give his sentiments on the subject. His lordship said the danger was great, and it was right that it should be known, but that there nevertheless was no reason to despair. Our fleets and armies were powerful, and to be depended upon. The proper way was to ascertain the degree of danger, and to prepare with vigour to face it, and not only to act defensively but offensively, for a war of the former kind would end in ruin. He asserted that the danger of the crisis was unparalleled. That in the time of the paltry rebellion in Scotland, it was nothing to what it was now. That at present he believed we stood alone; that we had no foreign alliances; he declared to God he knew not why we had not? The powers of Europe were infatuated. If they continued with their arms across, and saw this country ruined, they must be out of their senses. That their ruin would follow ours. That Holland, Portugal, and Russia ought to interfere; the two former were under great obligations to this country; we had formerly rescued them from destruction; if they continued to look on, and to see the glory of this nation swallowed up in the vortex of French and Spanish ambition, they would inevitably suffer for their ingratitude; for as the ambition of the House of Bourbon had no bounds, it would extend to them next. He said farther, that though we had no foreign ally, we had the best of all allies, unanimity at home. We were allied among ourselves; the alliance lately entered into by the gentlemen on the other side of the House, and those on which he stood, did the former the highest honour. With unanimity we were equal to any efforts. He hoped, therefore, to hear no more of conditional offers of assistance to government, as he had last night heard of from the city of London. What! not unite in defending ourselves? To make conditions

at such a moment was little short of joining the enemy. All men's interests were concerned in the present danger, and that description of men who refused to lend their aid, not only proved themselves adverse to their country but adverse to themselves; if ruin ensued they must take the consequence. His lordship said, he hoped soon to hear of such meetings as had formerly been held in times of danger; lords lieutenants of counties convening all their district to attend, and each man contributing towards the common defence, according to his ability, some finding men, others money, others horses, and so on. Let gentlemen look back to history, and see the great exertions of this country in a moment of danger. All professions had united to shoulder the musket, and fight in defence of the kingdom. The archbishop of York had raised an army, and headed seven regiments of Yorkshiremen; seven of the finest regiment, he understood, that were ever seen. A chief justice of the King's-bench had turned out at the head of the lawyers to fight *pro aris et focis*. The church and the law might do the same again. [Col. Barré said, "No, no, in God's name let's have no more lawyers conducting our politics either civil or military."] His lordship went on to state that we had our advantages in the war; that Spain and France were both vulnerable; the former mortally vulnerable in many parts. Spain might be conquered by her own doctrines. She might be deeply wounded in South America. Let us go and preach up independence there; not only preach it up, but assist South America in the obtaining of it. We might do every thing with unanimity and exertion. He spoke his real sentiments; he had no connection or interest but the common good in a moment like the present; he was under no obligation to his noble friend near him, that should induce him to speak in a manner foreign from his real thoughts. He had never asked nor received a favour from the noble lord in the blue ribbon. He was a man when the noble lord was a boy. The noble lord was now a man, and he was sinking into his second childhood. Sinking as he was into the vale of years, he hoped to live to see his country conquer her foes, and regain her glory. His lordship was proceeding to state some plan of operations for the navy, when

The *Attorney General* rose, and begged to prevent the noble lord's zeal from carry-

ing him too far, by moving that the question might be read. He said, gentlemen would certainly act laudably, in suggesting any scheme of defence of the kingdom that had reference to the question; but on that day it would be improper to go into other topics of deliberation, and perhaps to go into such a detail as the noble lord was proceeding to enter upon, might be dangerous.

Sir G. Savile urged more than one proposition which he thought worthy of adoption. He advised to take off the press altogether, and recall every press-gang; to invite the hard-faced masters of trading vessels to come with their ships into the service. To arm their ships and station them close round the coasts.

Mr. Gilbert suggested the idea of every nobleman and gentleman sending one or more of their servants, according to their estates and fortunes, with a horse, or horses, to a person appointed in each county to register them. The servants so sent, to be armed at the expence of government, but maintained, as long as they continued in the county in which their master resided, at his expence, afterwards half at his expence and half at the expence of government. Such servants might be taught their exercise, and disciplined, so as to be of essential service in driving in cattle and forage, as occasion might require.

Mr. Whitworth asked who were to officer such troops of servants, and what sort of discipline they would observe? He recommended erecting beacons immediately round the coast, and teaching people to prepare for an invasion. He also advised every gentleman to direct each of his tenants to provide one man, and arm him, in order to have an immediate local defence throughout the country.

Mr. Byng argued the impolicy of raw men being commanded by raw officers, and said, he had left the army some years, and never thought to have troubled himself about military affairs again. He professed his zeal to serve his country, but though he was willing to draw his sword to fight for the defence of the kingdom, he had no hopes of success while the present ministers had the conduct of the war.

Mr. Fox said he had no intention to rise that day; but what he had lately heard from a noble lord and a learned gentleman over the way, rendered it highly necessary that he should say a few words, and first he would pay his respects to the learned

gentleman, who had not only interrupted the noble lord in the midst of his speech, but had declared, that on a day like the present, when that House was considering the best means of defending the kingdom from the imminent peril in which it stood, gentlemen were not to deliberate and weigh every circumstance, not only of the danger itself, but every circumstance in the scope of possibility and human prudence, at all likely to avert that danger. This doctrine he thought had been lately exploded, and he little expected to have heard parliament told, (on a day like that, when, if they were not actually sitting in a committee of supply, they were sitting in a something very like a committee of supply, because they were debating a proposition which, however effectual it might prove, and however practicable it might turn out, would, certainly and at all events, be a great national burthen, as well in point of inconvenience as in point of expence) "that they were to confine themselves to the question, and that the question was merely whether the Bill upon the table should be read a second time or not." In a moment like the present, every thing which every man could suggest for the better defence of the kingdom was worth listening to; the country stood in need of all its resources, and all its wisdom, and however the learned gentleman might wish to screen the guilt of his friends, and therefore might think proper to interrupt the noble lord when he was speaking plain truths, gentlemen would not be thus rendered dumb, opinions he trusted would be freely given, and as the present administration were the immediate cause of all our misfortunes, he hoped that no gentleman would keep back his sentiments respecting their conduct.

Having said thus much, he would now speak to that point which principally occasioned his rising that day, and that was, his finding, from what the noble lord had said, that his having voted the preceding evening in favour of the Bill had been much misunderstood. He had been far from meaning to have it conceived that he thought, and far indeed from conceiving himself, that the mode of raising the force of the country, held out and proposed by the Bill, was preferable to that of raising regiments agreeably to the handsome offers of noblemen and others, which had been made to government. He had not said a syllable which led to such an idea, and the reason why he had not, was, because he

entertained no such opinion. The offers that had been made by the duke of Rutland, the earl of Derby, the earl of Harrington, and others, were so liberal, and upon such advantageous terms to the public, that it was impossible to impute the refusal of them on the part of government to any thing else than the remains of that miserable partiality to the Scotch which had so long disgraced this country. Last year, when Scotch noblemen offered to raise regiments, the offers were greedily accepted, and warmly encouraged; the public were even put to the expence of levy money on the occasion. The conduct of government had been very different now; there was a motive, indeed, to which he could impute their refusal in one instance, and that was, the finger of persecution was pointed at one of the noble lords who was among those that made the offer. That persecution was aimed at his whole family, and had been instanced on more than one occasion. [The House pretty generally calling upon Mr. Fox to name the person alluded to.] He said he would speak out, he alluded to the earl of Derby, who on account of his unfortunate family connection (unfortunate merely in that point of view, but highly honourable in itself, because every man in the kingdom would have been happy to have been allied to general Burgoyne) was proscribed and was never to be forgiven; by never to be forgiven he meant, as long as the present administration had any power. To shew that he was warranted in asserting that the present ministry were determined to persecute the noble earl and his family, he mentioned their having three separate times refused the noble earl's brother the lieutenant colonelcy of the Liverpool regiment. A situation and a sort of rank which he had a right to expect, especially in the last instance that occurred of a vacancy, because he was then the oldest major in the corps. How different was the conduct of ministers respecting the Scotch new raised regiments? The Scotch lords who raised them were suffered to appoint their own officers, and the ministers never once interfered in the appointments. He said it was this sort of treatment of noblemen and gentlemen of the most respectable characters, that gave such disgust, and made the noble lord in the blue ribbon so odious in the eyes of the nation. He declared, that neither now, nor before, was he inclined to give the preference to the mode of raising the

militia as offered by the Bill then under consideration: but there was a point of infinitely more consequence, a point the noble lord who spoke a short time since, had grossly mis-stated, to which it was highly necessary that he should give the most flat and peremptory denial.

The noble lord, after owning that we had no foreign alliances, had triumphantly spoken of unanimity, and congratulated gentlemen on that side of the House, upon having allied themselves with those who sat on the other. This was an assertion for which there was not the smallest foundation, and it was impossible for him to state, in any phrase that language would admit of, the shock he felt when the noble lord ventured to suggest, what was most exceedingly grating to his ears, and he doubted not to those of every one gentleman who sat near him. What! enter into an alliance with those very ministers who had betrayed their country; who had prostituted the public strength, who had prostituted the public wealth, who had prostituted what was still more valuable, the glory of the nation! The idea was too monstrous to be admitted for a moment. Gentlemen must have forgone their principles, and have given up their honour, before they could have approached the threshold of an alliance so abominable, so scandalous, and so disgraceful! Did the noble lord think it possible that he could ally himself with those ministers who had led us on from one degree of wretchedness to another, till at length they had brought us to the extreme moment of peril, the extreme verge of destruction? Ally himself with those ministers who had lost America, ruined Ireland, thrown Scotland into tumult, and put the very existence of Great Britain to the hazard! ally himself with those ministers who had, as they now confessed, foreseen the Spanish war, the fatal mischief which goaded us to destruction, and yet had from time to time told parliament that a Spanish war was not to be feared! ally himself with those ministers, who, knowing of the prospect of a Spanish war, had taken no sort of pains to prepare for it! ally himself with those ministers who had, when they knew of a Spanish war, declared in parliament no longer ago than last Tuesday, that it was right for parliament to be prorogued, for that no Spanish war was to be dreaded, and yet had come down two days afterwards with the Spanish rescript! ally himself with those ministers, who know-

ing of a Spanish war, and knowing that they had not more than thirty sail of the line ready to send out with sir Charles Hardy, had sent out admiral Arbuthnot to America with seven sail of the line, and a large body of troops on board? ally himself with those ministers, who knowing of a Spanish war, had suffered seven ships of the line lately to sail to the East Indies, though two or three ships were all that were wanted for that service, and the rest might have staid at home to reinforce the great fleet of England? ally himself with those ministers, who knowing of a Spanish war, and knowing that the united fleets of the House of Bourbon consisted of at least forty, perhaps fifty, and possibly sixty sail of the line, had suffered sir Charles to sail on Wednesday last, the day before the Spanish rescript was, as they knew, to be delivered, with not 30 sail of the line, although if he had staid a week longer, he might have been reinforced with five or six, or, as ministry themselves said, seven or eight more capital ships! To ally himself with men capable of such conduct, would be to ally himself to disgrace and ruin. He begged therefore for himself and for his friends, to disclaim any such alliance; and he declared he was the rather inclined to disavow such a connection, because from the past conduct of ministers he was warranted to declare and to maintain, that such an alliance would be something worse than an alliance with France and Spain, it would be an alliance with those who pretended to be the friends of Great Britain, but who were in fact and in truth her worst enemies.

Having urged this in a most impassioned tone, Mr. Fox declared, that he should support the present Bill, or rather he should not oppose it, because, in the situation that affairs then stood, every measure which tended to call out the strength of the country was proper. He could not however but own, it was a measure of a more spirited nature than he ever thought the present ministry would have proposed, because after their repeated assertions that the country was in no danger, that Spain meant to stand neuter, and that a war with the united forces of the House of Bourbon was not to be dreaded, he did not think any men had arrived at such an uncommon pitch of assurance, as to have stood up themselves and proposed a measure which gave the lie direct to all they had been saying

during the whole session of parliament. At the same time, however, he declared he should vote for the Bill, he meant not to give ministers the least grounds for supposing that he placed any confidence in them, or had the least hope of success or good to the country from any thing they could possibly do for it. He owned himself to be completely despondent, and though there was the utmost unanimity in the gentlemen who acted with him, it was not the sort of unanimity the noble lord had alluded to; it was unanimity to exert every nerve, and to touch upon every string likely to contribute, in any manner whatever, to rescue the country from that peril in which the ministers had involved it, but it was not an unanimity which rested upon confidence in administration, or the least expectation of success from their measures. The zeal, therefore, of his friends in the cause of their country, was the more eminent, because they offered their lives and fortunes even under those men whom they could not trust, and under whom, officers of such exalted character, and such eminent military talents as admiral Keppel and lord Howe, declared they could not, consistently with their honour, serve. The noble lord, who spoke some time since, had said we had no foreign alliances, and had declared to God he knew not why. This was a severe charge upon the noble lord in the blue ribbon and his colleagues; for what was it but confessing that we were deserted and abandoned by all Europe, and by implication, declaring, that the conduct of ministers must have been unaccountably bad, to have occasioned an event not to be imagined possible to have happened. He, however, would tell the noble lord why we had had no foreign alliances. All Europe saw the wretched and disgraceful state into which ministers had plunged us, and could it be expected that any court in their senses would ally themselves with misery and ruin? The noble lord, however, had forgot that we had allies in Germany, the landgrave of Hesse and the duke of Brunswick were our allies. Let gentlemen look at that part of the conduct of ministers. They had bound us down by treaty to assist and support both or either of those princes whenever they were attacked. The faith of the nation was now pledged for this, and in case of a rupture between the courts of Hesse or Brunswick, and any other power, in case of a war being lighted up in Germany in

the progress of our present contest, (no very improbable circumstance) what must be the consequence? The faith of this nation must be broken, for it would be mortally impossible for us to adhere to the treaty. This was one among many of the precious consequences that had attended our eagerness to enter upon the accursed American war, our haste to cut the throats and pick the pockets of our brethren across the Atlantic.

He took notice of the assertion of his right hon. friend (Mr. T. Townshend) the preceding day, relative to the treachery and corruption which had been stated to prevail in the cabinet. Though he had no proof of such a charge, this he would however say, that the noble lord in the blue ribbon must certainly have sold his own opinion, and adopted that of other men, or he never could have acted in the manner he had done. He verily believed what he now said, and added, that it was perfectly indifferent to him whether the noble lord had sold his opinion to the king of France for French gold, or whether he had sold it to any other person, or disposed of it to his colleagues in office for their fine words, and their promises of honour and emolument. It was impossible it could be otherwise; it was impossible that men notorious for their being men of sense, of judgment, of acknowledged talents, should pursue a line of conduct so opposite to sense, so grossly weak, ignorant, and absurd. The noble lord in the blue ribbon had great natural abilities, those abilities had been matured and improved by an excellent education; he had in that House given repeated instances of his talents; he had charmed frequent audiences with his wit, his humour, and his reasoning; how, then, was the opposition between his language and his conduct to be reconciled? It was true, indeed, that speaking and doing were distinct and very different things, but let gentlemen look at the conduct of the ministry as private men. Had they let their own estates go to ruin? Had they given any signs of personal neglect, or inattention to their own interests?—quite the contrary. They had taken good care of their wealth, they had increased their riches.

He concluded with repeating, that though he voted for the Bill, he did not mean it to be understood as a token of his preferring the raising the militia, to raising new regiments, agreeably to the offers of the two noble dukes and noble earls.

That he had not the least confidence in the present ministers, and that, so far from being ready to enter into an alliance with them, he thought they merited punishment; and although there were among them individuals for whom he had the highest personal respect, yet he thought their official conduct collectively so infamous, and so prejudicial to the interests of their country, that were the times ripe for bringing them to punishment, he would join most heartily in supporting the measure.

The *Attorney General* said he was a little amazed at hearing what the hon. gentleman who spoke last had thought proper to throw out, on the subject of his having interrupted a noble lord, by moving that the question should be read; he had imagined what he had before said would have sufficiently explained that matter. He had been far from suggesting that parliament had not a right to deliberate upon every circumstance likely to contribute in any possible degree to the defence of the kingdom, while the present Bill was under consideration; the noble lord was proceeding to touch upon a topic, which, however proper it might be to deliberate upon it on a future occasion, certainly had no reference whatever to the present Bill; he therefore wished to prevent the noble lord from going into foreign matter, and having no choice of carrying his wishes into execution, was obliged to have recourse to the only possible method, that of desiring that the question might be read. The real business of that day was to discuss how far it was advisable to call out the national force, and in what manner such a measure could be most effectually carried into execution. The topic was of the first importance, and could not be too amply deliberated, it were therefore to be wished exceedingly, that every gentleman who had thought at all upon the subject, would fairly and fully open his mind to the House, that government might profit by the wisdom of parliament, and adopt that line of conduct, which, upon the maturest consideration, should appear to be the most likely to prove successful. The situation of affairs was certainly one of great difficulty. For which reason, it was in his opinion right to tell the people of their danger; but not to state it in the language of fear or the language of despair; he thanked God there was no occasion for either. It would be wise, however, to lay the real situation of the country be-

fore the people at large, to state the extent of the danger, and the degree of the force this country had to oppose to it. France and Spain were combined against us, every man therefore would admit that we were on the eve of a war with those two powers. An invasion was talked of and possibly might be attempted; the question that naturally arose on these facts was, What force had this country to enable her to repel such an attack, should the enemy think proper to put it in practice? The answer was obvious, we had a powerful fleet at sea, under sir Charles Hardy, and that fleet would speedily be reinforced with several additional ships of considerable strength. We had in the country itself an effective army of 63,000 men. Add to this, we had resources yet untried, and which would doubtless prove of the most important avail, should the crisis be pushed to such extremity, as to render the calling them forth necessary. In order to put our security out of doubt, the King's servants had thought it matter of policy to bring in the present Bill for augmenting the militia, and they had the rather adopted that mode for the sake of the equality with which the burthen would fall on the shoulders of the public, and the speedy manner in which the forces might be raised upon emergency. This was the real picture of our affairs, the true amount of our danger, and the degree of our power of defence and resistance. Let it be known to the public, and what man in the kingdom possessed of a mind tolerably constant and firm would be dismayed?

With regard to what the hon. gentleman had said respecting the regiments which had been offered to be raised by the noble personages to whom he had alluded, he was very far from understanding that government either had received the offers with coldness, or had rejected those offers. On the contrary he had conceived, that government thought the offers exceedingly handsome; that they entertained the warmest sentiments of the noble-mindedness of those who made them, and meant to advantage the public by carrying them into effect in proper time. The offer in particular made by the duke of Rutland was talked of by every person whom he had conversed with on the subject, as one of the most liberal that ever was heard of. The noble duke had made it in a manner perfectly free from any suspicion of a desire to build rank in the service upon it, to advantage friends or any other interest-

ed purpose whatever; in short, in a manner not only perfectly unobjectionable, but in every point of view laudable in the highest degree. The other offers, though handsome, were not quite so advantageous and eligible; he understood, however, that they were to be accepted, and he would tell the House why. He had, that very day, in an accidental conversation with a person high in office, who was most likely to know, in short, with lord Amherst, the commander in chief, mentioned these offers, and asked the noble lord if they were to be accepted? The noble lord had answered him very frankly, and after passing a great eulogium on the public spirit of those who made the offers, had declared that in his opinion they ought to be accepted. He made no scruple to mention this, because the noble lord had prescribed no secrecy to him on the subject, and as he was a person who had no right to expect an answer, if his question to the noble lord had been improper, he did not presume that it was any breach of confidence in him to have stated what he knew on the subject, and by what means he acquired his knowledge respecting it. After speaking to this point, he went on to give the House information relative to what the hon. gentleman had said on the subject of lord Derby's brother, major Stanley, being refused the lieutenant colonelcy of the Liverpool blues, premising that he confined himself merely to the last time that situation and rank were vacant. He said it then happened, that the oldest major in America, major Humphries, came over with dispatches from sir Henry Clinton. Major Humphries was a very old officer, and from being in the army all his life, and chiefly on service abroad, he believed he was almost the only person who was honoured with his friendship, and to whom he paid any visits when he came over to this country; of this he was certain, major Humphries was without interest or patronage, and had nothing but his distinguished character as a brave and judicious officer to recommend him. On the vacancy happening, the commander in chief turned to the list of majors, and observing that the name of major Humphries stood at the head of it, he, without any other recommendation than his own knowledge of his long and good services, filled up the commission with major Humphries's name, so that when the major came to present his recommendations from sir Henry Clinton (which were such as did

the major the highest honour) he found himself already promoted to the lieutenant colonelcy of the Liverpool blues. There could, therefore, be no intended injustice to major Stanley, nor had there been, as he had stated, the least improper influence exerted to procure major Humphries the appointment. It was idle at all times to talk of birth and alliance, especially in the military profession, where bravery and conduct were the chief requisites; but possibly the House might not be displeased to hear that major Humphries, the officer in question, was the grandson of general Webb, an officer of very exalted character, who had distinguished a long life of service, by a series of most gallant actions, not the least gallant of which was, his having, at the head of 6,000 British forces, totally defeated 18,000 French. There might be gentlemen then present, old enough to remember general Webb's having received the thanks of both Houses of Parliament for this piece of service. Major Humphries was that brave general's grandson, had been all his life in the army, had behaved at Bunker's-hill, and on a variety of occasions, with the utmost gallantry, and was a captain at the very time that the earl of Derby's brother, major Stanley, of whose merits and abilities he had not the least doubt, was a school-boy.

Having explained this matter, he took notice of the various assertions which Mr. Fox had given, as reasons for his disdaining to ally himself with the present administration, and said those very reasons operated in his mind in a different way; it was because the King's servants had acted in the very sort of manner which the hon. gentleman thought so highly reprehensible, that he was of opinion they had acted wisely, and that they deserved the applause of their country. By way of supporting this, he declared, that if ministry had not sent a detachment of the fleet to America under admiral Arbuthnot, and if they had not sent another detachment under admiral Hughes to the East Indies, they would have acted like downright idiots, and would have properly become the derision of Europe, and have deserved the execration of their country. He must be a miserable politician indeed, who imagined that the war would be ended by any battles fought here, even should an invasion take place. The contest could not be brought to an issue in this island, and that minister who by keeping all the sea and land force of the country at home would

invite our foes to collect the whole of their strength, and direct it against England, must be the weakest man that ever fancied himself a politician. Wisdom and common sense shewed the propriety of drawing off the attention of our enemies from this country, and of making such diversions as should necessarily divide their force, and increase the objects of their operations. Though Pondicherry was taken by us, he hoped that would not be the only blow we should strike in the East Indies; he expected to hear that the capture of Pondicherry was merely the first of a series of operations against France in that quarter of the globe, which would prove of the happiest consequence to Great Britain. In the West Indies also, and in America, our enemies were vulnerable, and it would have been madness not to have endeavoured to attack them in their weak parts. With regard to sir Charles Hardy's being sent to sea, the hon. gentleman had stated that his fleet was inferior to that of France and Spain; the hon. gentleman could bring no proof that the fleets of the House of Bourbon were joined; neither could he ascertain their strength. Of this he was certain, ministers had acted wisely in sending out sir Charles, as they had done; his fleet, even if it were inferior in point of number to that of France, was considerably more in force, because the majority of our ships were large ships, and ships admirably equipped. The fleet of France consisted of ships of less weight of metal; add to this, seven or eight more capital ships would soon be ready to sail and reinforce sir Charles. But even admitting for a moment, that the fleet of England met those of the House of Bourbon, and in action, from the latter's superiority, they had the best on it; from the geographical situation of our island, the English fleet would have our own coasts to retire to. The fate of this country was far from depending on the event of a single battle, as had been suggested. The danger therefore, though great, was of that nature only which called for exertion, and not which justified despondency.

The hon. gentleman had adverted to some expressions which came from one of the hon. gentleman's friends the preceding day, and which were, that there was "treachery and corruption" in some one person in the cabinet, but whom was not described, neither was it said of what degree or sort the treachery in question was.

The hon. gentleman had this day thought proper to take new ground, and by a strange extension of the term treachery (which he had always understood in a political construction to imply treason) had charged the noble lord in the blue ribbon, as well as his colleagues, with having sold their opinions. The charge was perfectly new to him, nor could he possibly discover to whom the ministry could have sold their opinions, or for what consideration. He trusted however that the hon. gentleman's dogmatizing in this particular, and taking upon him to pronounce decisively upon the spring of action, which operated in the noble lord's mind, would not pass for argument, notwithstanding that it might serve for the moment to amuse the hon. gentleman and those of his friends who seemed so highly pleased with the expression. The hon. gentleman had talked a good deal about alliances, and had on that circumstance thrown out much invective against the ministers, as if it were in their power to oblige foreign courts to enter into alliances with Great Britain whether they were so disposed or not. Before gentlemen gave way to any idea of the ministers being to blame in this respect, it would not be improper for them to consider a little of the nature of alliances between great states, upon what they were generally founded, and with what views each contracting party agreed to them. It would, he presumed, be pretty universally admitted, that the basis of all political alliances was a reciprocal advantage, which was expected to be the consequence. It naturally followed, therefore, that no state would enter into an alliance with another unless it stood in need of some assistance, which the other had it in its power to afford. If gentlemen would consider our present situation, and would look round to the situation of other courts in Europe, they would see that the necessity was solely on our side, and therefore it was not at all to be wondered at, that other courts were not much inclined to enter into alliance with us. The court of Russia, for instance, had made up her quarrel with the Turk, and was at ease. The king of Prussia and the emperor were no longer at war. Portugal and Holland, though certainly we had in former times afforded both those states most essential assistance, had no present motive to induce them immediately to enter into an alliance with us.

In this part the Attorney General took a review of the various alliances which
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Great Britain had entered into with various powers at various periods, remarking how our allies at one time had become our foes at another, and deducing from the whole of what he said, that all alliances were governed by time and circumstance, and that however necessary it might be to preserve the balance of power in Europe, and for that reason, however much the interest of other courts to prevent two great states from attacking and swallowing up a third; that their intervention was not to be expected at the first prospect of the object, though it might be the case when the matter became more serious, and the consequence, from being nearer, rendered the whole of the business more alarming.

The hon. gentleman had in one part of his speech very fairly called upon those who thought the noble lord in the blue ribbon capable of conducting the war, to say so, declaring in the most direct and earnest terms that no man dared avow such an opinion. It might be thought from the office which he held, and which in some sort connected him with administration, that he was a biassed man. He begged leave, however, to declare, that he was perfectly independent. That he had no obligation of any kind to the noble lord. He had never asked for any favour, he had never received any favour, neither was it in the noble lord's power to do him a favour. With regard to his professional situation, any little emolument that he might be supposed to derive from that, he did assure the House was totally beneath his consideration, when he was either to act or speak upon any point whatever. If he differed in sentiments upon any topic with the noble lord, and found those sentiments opposed, without having reason to think that they were ill-founded, he should certainly give up his situation directly, but not give up his sentiments; and he should do so on the ground that if there was any difference between him and government, it was his duty to withdraw, and not to embarrass those who were to conduct the affairs of government. He added, that he really had not sold his opinion, and what he was about to say were his genuine sentiments. He knew the noble lord well, and it was from that knowledge, that although he would not flatter the noble lord so far as to declare he thought him the most able minister that either ever was, or ever might be appointed to the high office he held, he was ready to pronounce him, in his opinion, a minister of very great

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ability, and whose talents were indispensably necessary to the conduct of the affairs of this country in the present crisis. There was nothing wanting but ability and exertion to steer the ship through the storm in which the vessel now rode. The noble lord had as much ability as most men, and he would take upon him to say, that the noble lord would prosecute the important business of the nation, with that exertion and that vigour, which was indispensably necessary. He was the less scrupulous in giving this opinion, because he had long observed, that whenever any gentleman, let him stand on which side the House he would, was asked who he thought the most capable man in the kingdom to be the minister? after naming the particular person on whom he happened to have fixed as the chief object of his admiration, the noble lord in the blue ribbon was uniformly mentioned as the person the next in point of ability.

In answer to what Mr. Fox had said relative to the ministry's having driven admiral Keppel and lord Howe out of the service, he lamented exceedingly that any misunderstanding between those officers and the King's servants had prevailed, much more that it had arisen to such a height, as to have deprived their country of their service. When, however, he considered the very critical situation of affairs, that it was no longer a war for dominion, but a war for existence, he did not doubt but those gallant officers, impelled by that true sense of honour, which was the distinguishing characteristic of the military profession, and preferring the safety of the kingdom to every personal consideration, would forget any feeling of neglect, of supposed injury, and—not of disgrace certainly, for disgrace did not belong to such men, and was a word which ought not to be mentioned at the same time with their names;—but of any unpleasant sort, and would throw aside all frivolous punctilios, and not only deign to accept fresh employment, but step forward and claim their right of having a share in the defence of their country. He concluded with recommending the present Bill, as a Bill highly expedient to be passed into a law, although the measure it tended to authorise, might not be either immediately or eventually necessary to be carried into execution.

Lord North. I am much indebted to my learned friend, for the very favourable sentiments he has this day expressed of my public services, much more, I fear,

than I have any pretensions to. On that subject he has perhaps spoken with the partiality of a friend; on others, he has, I presume, given his opinion without any such bias. But how much soever I may be obliged to the learned gentleman, I cannot help rising, on the present occasion, earnestly wishing to vindicate my character against the general and specific accusation made by the hon. gentleman over the way, (Mr. Fox) and likewise to assure that hon. gentleman, that my present situation, sentiments, and intentions, will not permit me to accept of those friendly dispositions which he has been so kind as to mix with the general charges. I allude to the admonitions he has given to me for the regulation of my future political conduct. His charges being general and unqualified, deserve some answer. He has stated them with his usual ability. He has pressed them with his wouted eloquence. However unequal I may be to the hon. gentleman in these two respects, I must not therefore decline the vindication of my character, if I am conscious the justice of my cause will bear me out. Without that support I am convinced of my own inability; with that support I have nothing to fear from the hon. gentleman's eloquence and ingenuity.

The hon. gentleman has travelled through the whole of my ministerial conduct, and candidly imputes all the neglects and blunders of administration, as he calls them, to me. By his account I have enough of my own to answer for, without being compelled to bear the blame due to others: but I will tell that hon. gentleman, that I do not mean to fly from that state of responsibility attached to my office, nor from the general responsibility which I am bound to with others, as one of his Majesty's confidential servants. If the hon. gentleman, which his speech would indicate, supposes me to be first, or sole minister, I do assure him he is mistaken; I know of no such minister in this country, and do therefore hope the hon. gentleman will consider me in two lights, namely, as acting at the head of a very important department, where I acknowledge I am solely answerable for whatever is transacted, and as acting in concert with others in his Majesty's confidential councils.

The hon. gentleman has gone a great way back, no less than to the whole of my conduct since I got connected with the board at which I have at present the honour to preside. I found the affairs of

this country in great confusion, and the nation in a ferment [alluding to the affair of the Middlesex election]. I took a share in government when embarrassed by a strong factious opposition, who I thought, as I do still, acted upon mistaken or wrong motives. I assisted in maintaining government, and if the clamours current at that time were not silenced, they were rendered ineffectual to answer the purposes for which they were raised.

The great and glorious victories of the late war, and our decided superiority on the ocean, created us many enemies, and an alarm in the other powers of Europe, and if not enmity, at least coolness. France and Spain, suffering under the disgrace of successive defeats, were mortified and filled with resentments, and looking forward to retaliation. The eyes of the rest of Europe were drawn from the usual object of their jealousy, the House of Bourbon, thus fallen and humbled, towards our growing greatness. The system of Europe at the time admitted of no continental alliances, for to what end could they have been directed? The powers of the North were friendly inclined, and nothing at that period gave any reason to counteract any probable or possible measures which might be entered into by the House of Bourbon. Such was the state and disposition of Europe when America unjustly, and without provocation, resisted the constitutional claims of this country, and refused to pay that obedience which it was bound to render upon every principle of justice; nay, I might go farther, and add, upon every motive of interest and advantage.

Under the circumstances I have described, we were obliged to enter into a contest with our rebellious subjects. I shall neither take blame to myself, nor impute any to others; but before we had it in our power to enforce legal government, France, contrary to every assurance, and every principle of justice and good faith, treacherously interfered in the internal government of the British empire, and had the insolence, not only to prescribe the conduct we should observe towards our own subjects; but, by declaring the colonies independent, endeavoured to sever a third part of the empire, and wrest it out of our hands.

The hon. gentleman says, why not resign at this, why not resign at that, why not resign at another period? I will tell the hon. gentleman why I neither did, nor

could resign. I was always determined never to resign as long as his Majesty thought fit to accept of my poor services; and till I could do it with honour. Could I have resigned with honour when America first resisted? I answer no. Could I have resigned with honour in the prosecution of the American war, while the event of that war was yet depending? No. Could I have resigned with honour when France interfered, and acknowledged American independency? Most certainly not. And ought I to resign at this period, or could I do it with honour to myself, or discharge my duty to my country, now that we have the united force of the House of Bourbon to contend with? I am persuaded I could not. My language has always been uniformly the same, never to resign, till a fit person was found out to succeed me. I have not heard that person yet pointed out, nor do I know him. I am well convinced that many persons of abilities, infinitely superior to mine, could be found. I know no man more fit, in some respects, than the hon. gentleman himself; but his abilities, so far as they respect me, are out of the present question. He and his friends think differently from me on matters of very essential importance. I hope I have as great a reverence for the constitution as that hon. gentleman; but his ideas are not perhaps exactly consonant to mine on that subject. I am for supporting the just and constitutional prerogatives of the crown, and the rights of parliament, according to the best of my own judgment; and upon those opinions I must continue to act, and can never consequently consent to call any set of men, be they whom they may, as far as my feeble voice can reach, of whose political doctrines I do not approve. The good of my country, and my own honour, therefore, will not permit me to follow the hon. gentleman's advice, and subscribe to his opinion, that this is the proper time for me to resign.

The hon. gentleman, after reprobating the whole of my public conduct, is pleased to hold out several strong inducements to me to retire from public business. He offers me a full indemnity for all my past crimes and transgressions, as a public man for which I am greatly indebted to him, though, unfortunately, I cannot, or will not follow the advice thus given.

He desires me to retire with the plunder I have amassed. [Mr. Fox. Not "plunder" but "fortune."] He says, in order

to save his country, in which my resignation is included, that he would consent to let me, though a state criminal, escape with impunity; but he has coupled this very generous offer with a threat. He added, if I should not retire after this wholesome and friendly warning, that I must expect, in case of future disasters, to be brought to public judgment, and to exemplary and condign punishment. The hon. gentleman's advice is generous and friendly; his threat is accompanied with openness, and is candid and manly. He has given me my option, and he will permit me to take it. But, in the first place, as I am conscious of no crime, I cannot, from any motive of common sense or common prudence, accept of the proffered indemnity: neither can I, for the same reason, fear a public trial, or the consequence of guilt, the threatened punishment denounced, in order to terrify me into a resignation. On the contrary, there is nothing at a proper time I more ardently desire than a public trial; nor any thing I less fear than public punishment. I have been publicly accused in this House, in the face of the nation: justice requires that I should be indulged with an opportunity of exculpating myself. I shall insist upon the exercise of that justice: I hope I shall not be refused: I shall and must be tried, be the event of the present measures what they may. So that, however well intended the hon. gentleman's offer may have been, his favour of indemnity and impunity would amount to actual punishment, and his threats of future trial would be to me the greatest favour it is in his power to confer.

The hon. gentleman has, indeed, held me forth in a new point of view this day. He presumes that France, Spain, and I, are the only foes this country has at present to combat. The people of America are our stedfast friends, and were I removed from my present situation, a perfect unanimity, he says, would take place immediately, and every heart and hand in the kingdom would instantly unite in the common defence, and in inflicting that species of chastisement on the whole House of Bourbon, which it has so justly merited, for its perfidious and ambitious conduct. I wish I was as well convinced of the truth of his opinion as the hon. gentleman. I do assure him, if I was, the former power and glory of this country would be soon restored, and upon terms which would appear to me extremely

cheap: I mean my immediate resignation, and the consequent welfare and prosperity of my country. Nay, I would make real sacrifices, in order to procure so desirable an event, I would instantly apply for banishment, and while I lamented, or rather felt in some unguarded moment for my immediate situation, I should be a thousand times overpaid in the luxurious reflection, that by my proscription I had purchased the salvation of my country, and restored it once more to its former state and dignity.

However, to return to the mere matter of resignation, I beg leave to impress these facts on the hon. gentleman. It is well known that I accepted my present situation with great reluctance; that I have remained in it much against my own judgment and liking; that I feel in the same manner, at the instant I am speaking, and when the period arrives, that I can resign with honour to myself, and consistent with the duty I owe to my sovereign and my country, I shall quit my present office with singular satisfaction. The hon. gentleman has spoke of the fortune which he presumes I have amassed since my entering into office. I thought it was "plundered;" but I beg the hon. gentleman's pardon, for he has explained it otherwise. Another hon. gentleman, over the way, said yesterday evening in debate, that the British cabinet had been bought and sold; so far as the charge applies to pecuniary matters, a very few words will, I trust, satisfy the House. When I came into office my private fortune was not very considerable; and I can affirm, be it what it might then, whenever I quit my present situation, now or at any future period, I shall not be richer; that, I presume, if my assertion gains credit, is a full answer to the amassing a fortune; so far as the charge may be supposed to affect or be applicable to me, of the British cabinet having been bought and sold.

The hon. gentleman has laboured a great deal to shew how culpable ministers have been for not securing alliances on the continent; for my part, as applicable to our insular situation, and the general state of Europe, I was not able to perceive, that any eligible alliance presented itself in Europe, but one with Russia, and if matters had not suddenly presented an unexpected appearance, an alliance of that kind might probably have taken place. The situation of affairs was this: an armistice, or truce, had taken place between

Russia and the Porte. While the final settlement of the respective claims of the two courts was depending, it was the interest of Russia to stand well with the court of London; on account of Great Britain having it in her power to give her succour and protection in the Mediterranean. In this state of affairs the French minister at Constantinople was fixed upon as the common mediator between the negotiating powers. The consequence of this mediation between the Porte and the court of Petersburg was a final adjustment of all their differences. The court of Petersburg, having no farther point to carry in the Mediterranean, had no motives to enter into an alliance with the court of Great Britain, which might again, perhaps, from secret engagements between France and the Porte, involve her in another war with the last mentioned power.

I have only one word more to add, and that is respecting the distribution of our force. The hon. gentleman has condemned in the lump and detail. I do not pretend to oppose my opinion to that of professional men, but as I am able to determine, it appears to me, uninstructed and uninformed as I am, that neglecting our distant dependencies would amount to a surrender of all our distant possessions. The clear consequence of which must be, that of our being shut up in this island, merely to resist conquest and foreign dominion. I presume no hon. gentleman present would wish to risk every thing upon so hazardous an event: it can therefore, in my apprehension, require very little argument to prove, that we should not, in the early stages of a trying contest, adopt measures, which, if proper in any exigency, ought not to be resorted to only in the very last extremity.

His lordship pursued this argument for some time; said, that the land force, militia and regulars, was equal to the defence of the island; and instead of despondency, that our force in America, should France and Spain endeavour to preserve a superiority in Europe, held out fair prospects of success; if not, that we should be able to spare sufficient detachments, to secure an equality, if not a superiority in that part of the world*.

The Bill was read a second time.

* "Lord North was observed to be under a remarkable dejection of spirits before he came to the House; he had been nearly two hours after breakfast engaged in the sad duty of administering consolation to his lady, who has

June 23. The House went into a Committee on the Militia Bill. The Committee seemed to be divided into three descriptions; one were for doubling the militia; another for a mixed scheme, that of raising distinct corps; and a third for trusting entirely to the calling out the country, and accepting of the offers of the noblemen and gentlemen, and of making no addition to the militia. The Speaker, sir G. Savile, Mr. Jenkinson, and lord Nugent, seemed to disapprove of doubling the militia, or indeed of augmenting the militia force by ballot at all. Several of the country gentlemen were for adopting a mixed system, half by ballot, and half by distinct or voluntary corps; others were for all volunteer corps and regiments: in short, among at least forty members, who took a part in the debate, there did not seem two exactly of the same opinion.

Mr. Powys said, that, though he had several objections to the Bill, yet he should vote for it; because he would not suffer it to be conceived, that in a moment when government had declared the kingdom to be in extreme danger, he was unwilling to agree to any measure proposed, with a view to call forth the strength of the country, and add to its defence. In the course of his speech he shed tears, on the misfortunes of his country. He offered his services, both of person and fortune, in any manner that should be most likely to conduce to the important point then under consideration. He asked the ministry what he should say to his tenants and neighbours, when he went down into the country, and urged them to take up arms to defend the kingdom from the imminent peril which threatened it? They would naturally say—Imminent peril! impossible! You told us in parliament, three weeks since, that there was no danger. If he mentioned to them the Spanish war, they would be still more amazed, and say—that it was but the last week that ministers declared Spain would not join with France in the present quarrel. If they asked whether the ministers, who brought us into our present troubles, had offered the crown assistance of any kind, either by contributing money, or raising men,

been so much afflicted since the death of her son, that she has alternately fainted, and been seized with violent convulsions, occasioned by an imprudent desire, which her ladyship could not be prevailed on to forego, of sitting in the room with the corpse." London Chronicle.

what must he reply? In point of truth, he could only say—not one of them has made the least offer of any kind. They have, indeed, brought a Bill into parliament, which is a burthen to the whole nation, but which will not affect them in the least. If they then said, has any body offered government assistance? He must answer—Yes, several of the factious noblemen, whom ministers have declared to have been the cause of all the mischiefs, have made the most handsome offers!

The *Speaker* said, that having been concerned, as an officer of the crown, upon the execution of a former Militia Act, he could not but express his fears, that the same or worse consequences would attend this Bill. The former Act was opposed with great violence; there were insurrections of the people against it. As Attorney General, he was employed to prosecute some of them. He feared this attempt to double the militia would be opposed with greater violence; and that the insurrections would be many, if not general. He recommended to ministers to turn their attention to the navy, as more important.

Mr. *Bret* advised speedy measures. The French and Spanish fleets, he said, had joined, and might be with us the first westerly wind.

Mr. *Grenville* thought, if the men were wanted to be raised immediately, they ought to be chosen by ballot, and then placed among the regulars, as recruits: this would be making them soldiers in the shortest time.

Mr. *Aubrey* spoke in favour of raising the proposed additional force by voluntary aid, rather than any compulsory means; and was strongly against augmenting the militia by having recourse to a new ballot; as, he said, speaking, as he did, from the knowledge only he had of the country where he lived, and where he had acted some time, both as deputy lieutenant and a magistrate, he was persuaded the raising of any additional number of men, by any coercive measure whatever, would be attended not only with great inconvenience and prejudice to the business of the hay and corn harvest, as well as to the other various sorts of work, so peculiar to the country in the summer time, but that it would be put into practice with the greatest difficulty.

Lord *Beauchamp* proposed to insert a clause for raising volunteer companies.

Governor *Pownall*. The committee have

two points under their consideration. The one is that of the Bill now committed, which purports the raising, as soon as possible, on the present urgent occasion, an additional militia, by doubling the present number. The other is that of gentlemen, who, from an experience of several defects in the present plan of militia, have thrown out their ideas on the subject of forming this country into some permanent form of defence, equivalent to its power, and adequate to the occasion which may call for it. On the first head I shall say very little; as I think the forming of the measure, and the offering it to parliament, is the business of ministry; and more especially so, as they will now meet with no opposition, but, on the contrary, with assistance. I will therefore suppose, that the plan now under consideration, will be adopted. On the other, which looks forward to future, and very serious occasions, gentlemen, from every quarter of the House, and of every description, have thrown out their ideas and plans of a national force, all formed on speculation and theory—plans, which they think might do. Will the committee permit me to lay before them, not any speculation or theory, but the plan and system of a militia in actual operation, an effective one, and which has produced the effect which we are looking to; I mean the plan of the New-England militia; a militia which has not only resisted an invasion, but, sorry I am to add, in proof, has taken prisoners the army which invaded it. It is a melancholy proof to us; but it is a strong one in the argument of its real efficiency. The plan derives from this principle, that every individual, without distinction, is bound, in time of impending danger, to bear arms in defence of his country. And the national militia stands framed on this establishment—that in time of invasion, insurrection, rebellion, or alarm, every one is subject to the pains and penalties of martial law. The inhabitants of the country are, by their parishes and districts, divided into local companies and regiments. By a law of the country, made at the beginning of last war, every man was obliged, according to this distribution, to attach himself to the military company of the district within which he resided. On this first ground of the plan, the province which I had the honour to command consisted, last war, of 48,000 men, all by law bound to be furnished with arms and ammunition. This included every individual,

without distinction. Out of this a part, by law, others by various excuses, were excused from common training, and were only to turn out upon an alarm of an invasion, insurrection, or rebellion. The part of these 48,000 men, which were constantly to exercise, were included in the training list, and were 27,605 men. This part of the militia I understand as a kind of picquet of the whole (as our standing militia is) out of the list in case of actual war. Those during the last war were 7,000 men each year. The method of raising these, was by a distribution of a specific number out of each regiment and company; if the number allotted to each regiment or company was not raised, by recruits or volunteers, on a day fixed, I, as governor, by a power with which the province, in their confidence, entrusted me, under law; a power which the King has not here; was empowered to send my order to the colonel of the regiment which had not completed the number allotted for his regiment to raise, to draught the remainder, and to send them to the place of rendezvous, and these men, thus draughted, were the yeomanry of the province, or the sons of such, all freeholders. If there was any threatened danger of an invasion, then the training list were to attend their respective regiments and companies, and to take the field. If an actual invasion took place, so that an enemy was within the province, then the whole alarm list were to turn out, and were, as I said before, under martial law; that is, every man, without distinction, even the clergy. And these were the kind of troops, which, upon a British army's attempting to penetrate into their country, surrounded and took that British army. If this country does really see their danger, and, believing it to be actual, is in earnest to form an efficient national defence, one that will be real, and stand them in stead, let them not run after theories and speculation. This is a plan existing in fact, and whose effect we know by woeful experiment. If I should once see the national force formed into such a militia, of which I would consider the present militia regiments as the picquet, or minute-men, I should not suffer myself to entertain those fears which some gentlemen have expressed, even if the French had forced their way through our marine force, and were actually landed. If the militia of a little province could resist, and even take prisoner, the disciplined army of a great and powerful nation; why

ought not we to hope that a British militia would, in the like case, resist, and even take prisoner, any French army that should presume to invade this country? I trust they would. But some gentlemen have said, we ought to give our first attention to the manning our marine. This system of militia, properly applied, is the best adapted to this end and purpose. Let the picquet, or minute-men, of the companies of the coast towns and ports be draughted for the navy, in case of an invasion, or other like imminent danger; here you would have a great and proper source of men, fit for, and effective to, such service. It was by these means that I was enabled to send three or four hundred men to his Majesty's fleet in America last war, to sir Charles Saunders in particular; for which service I received the thanks of the commanders, and had the honour to receive, through Mr. Secretary Pitt, the approbation of my late royal master. The like measures might be taken, in the like circumstances, in this country. The method of draughting men for the common soldiers in the militia, by law, in this country, is partial, at least, if not unjust; and no wonder we have heard, and do hear, of the danger of resistance to this measure, and of insurrections in opposition to it. For the poor man alone, who cannot find, or afford to pay for, a substitute, must turn into the ranks, under military discipline. Let every man without distinction, the rich as well as the poor; nay, rather the rich than the poor, stand forth. The man of property has something worth his defending and fighting for; but how is the poor man individually interested? The lot here is unequal, and the measure must be forced into execution by coercion. Let the man of property stand in the ranks by the side of the poor man, and the poor man will fight by his side. Let this equal plan of a general militia be once adopted; let every man, each in the parish where he lives, be attached to his respective company; and let every such man be mustered on the alarm list: when I say this, I speak as I would be ready to act; though, as I have said, that I had, in America, the command of a militia of 48,000 men, I am here in this country ready to turn into the ranks of a like militia on a like occasion, as a private. If men of fortune feel a reluctance to rank with the common peasant, let them form themselves into separate companies attached to the several regi-

ments, and thus formed take the lead in service, and set the example to the common battalion companies. A militia thus once established would form a permanent effective national defence. If you are in earnest, think something of this, and for the immediate exigency of the present occasion, as I think the ministry should form and propose the plan and measure, and as I find such a one as this committee (whatever may be the opinion of several individuals) does mean generally to concur in, I think we should proceed with that, if nothing better can be proposed.

The committee seemed to be against doubling the militia. Lord North gave way, and sir Grey Cooper proposed to fill up the blank with the words, "not exceeding 15,424 men." This gave occasion to another debate. The gentlemen who opposed the augmentation contended, that the voluntary corps and new regiments would fully, and much more effectually, answer the purposes of the Bill. It was then proposed, that the blank be filled up with a fourth part of the number. This was opposed by

Mr. Dundas, who called upon the minister to exert himself. He observed, that inattention and neglect had been often imputed to him by his adversaries, but now, if he permitted himself to be over-ruled contrary to his own judgment (alluding to the clause of lord Beauchamp) his friends, as well as his opponents, would have too much reason to agree in the truth of the charge. He said the blank ought to be filled up according to the noble lord's original ideas.

Lord North said, that he would recommend to his hon. friend (sir Grey Cooper) to withdraw his motion for filling up the blank. He said, that the words 'not more than double,' according to his motion, no more described thirty than fifteen, or seven thousand; that if the force wanted was procured by independent corps, companies, or new regiments, the end would be answered; he therefore recommended, that the power of balloting for the whole number should be retained; it might be exercised if necessary, and if not, it would not be carried into execution.

It was at length carried, and the blank was filled up with the words "not exceeding double the number of the present militia."

June 24. The report of the Bill being brought up,

Sir Charles Bunbury began with saying that the putrid air in the House, the preceding evening, had obliged him to retire home sooner than he intended; that in an age so enlightened and philosophical as the present, he was astonished that gentlemen were not instructed from books, if not from their own experience, of the ill consequences of many persons breathing the same air for many hours. If they read Dr. Priestley's works only, they would feel conviction, how detrimental to health a continuance of respiring foul air was: he wished, therefore, that at that season of the year, when the doors of the House were thrown open, the windows might be thrown open likewise; in what he said, he was perfectly serious, and he spoke from feeling, for he really was forced to go home the preceding evening sooner than he wished. Had not that been the case, he should not have consented to some of the alterations made by the committee. He declared, that though in general he had no opinion of that set of ministers who had induced our present misfortunes, in the present case he was inclined to trust them. He was aware that the face of the argument was against him. That if he was to ride that horse again which had thrown him down and sprained his wrist, he would justly be deemed a silly fellow. That the ministry had not only sprained the wrist but had dislocated the neck of the empire, he nevertheless was ready to put confidence in them respecting the Bill under consideration. He did not think them silly fellows, and he hoped they would prove by their conduct that his confidence was not misplaced. Before he sat down, he recommended it to them in the most serious manner, to consider the weight of the burthen that the present Bill imposed on the nation, and the small remains of our resources. He might, he said, be ridiculed as an over-cautious economical country gentleman; he did not care for that. He was convinced that the war would be extremely expensive, and he had rather be termed a shabby fellow, than be reckoned among the list of those, who by their want of consideration pushed the nation to a state of bankruptcy. He therefore begged the ministry not to use the power the Bill invested them with, till they had certain assurances that the putting the Bill in force was indispensably necessary.

Mr. T. Townshend declared he should not oppose a Bill, professedly brought in

for the purpose of enabling government to defend the country against the danger of an invasion; but he had many objections to it; and having been absent from the House the preceding day on account of illness, was much amazed on hearing that the committee had agreed to alter the number of the militia to be raised by authority of the Bill to only half. The conduct of the ministry, in this instance, was a true picture of all their proceedings. They were irresolute beyond description; they proposed a plan, they broke it in pieces, and then they joined it together again. He said the hon. gentleman who spoke last, need not fear their haste to put the Bill in force; they would, as they had ever done, drive it off to the last extremity. He enforced Mr. Fox's complaint of partiality to the Scotch offers last year.

Lord F. Campbell defended his countrymen, and declared that a relation of his, colonel Campbell, had raised and disciplined his regiment, so that they were fit for service in five months, and that the Glasgow regiment did not cost government a shilling, but was raised at the expence of the merchants of Glasgow, who laid down 10,000*l.* for the purpose.

Lord George Gordon read a motion for an address to the King, declaring, that sir Fletcher Norton was of opinion that the Bill was more likely to create rebellion and insurrection in the country than create a new militia, that the lord advocate of Scotland had proposed a clause respecting the Scotch fencibles, which had been rejected without a division, and advising his Majesty to take Charles duke of Richmond, Charles marquis of Rockingham, and lord Frederick Campbell, to his councils, not doubting but under their assistance the House of Bourbon would be humbled, and unanimity, commerce, and happiness restored to the kingdom.

The Bill was made to extend to three years instead of one.

Sir W. Meredith expressed his doubts of the practicability of raising the militia; the impossibility of its being raised in time, to be of use in the present emergency; and, above all things, he feared the consequences that might arise from doubling the expences and burthens of the present militia; impoverished and harassed as the country was, it was surely no time to double their calamities and their sufferings; that a small force to act where exigencies might require, was of more value than the greatest army whose

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operations were confined to this island; that probably Ireland would be the first place to be invaded, yet not a man of this militia could be sent to it for relief. He thought we were directing our attention to an improper object. Why all these preparations at land, when we forgot, that our safety and very existence depended on our naval strength? If we lost our superiority at sea, the loss of trade would follow, with the deprivation of every source of riches, strength and sustenance, of all our civil and military establishments. He reminded the House of the conduct of the Athenians, when Xerxes approached them with an immense army and a great fleet; they deserted their lands and houses, and put themselves on board their ships, and then returned in triumph to their country, rebuilt their city, and remained long a glorious and a free people. If we were not prepared to follow so illustrious an example, still the private ships of war ought to be reverted to. In Liverpool alone, they had a formidable navy, which had brought great part of the commercial wealth of France into the ports of England. There was a generous and animated zeal for the public good, in the people there. Why was it not cultivated? Why did not government endeavour to collect the ships, and bring their brave commanders into the public service? He was confident that there was a spirit in the merchants, captains, and seamen of that place, which would second every wish for our common benefit and safety.

Mr. Fox said he was come to such a paradox in politics that he was obliged to own he was willing to give the ministry, of whom he thought most contemptibly, greater powers than he would those of whom he had the highest opinion.

Lord North lamented that the hon. gentleman had so ill an opinion of him, but thanked him for agreeing to the Bill.

The Bill was read a third time and passed.

Debate in the Commons on the Bill for speedily Manning the Navy.] June 25. The House continued in the Committee on the Militia Bill till midnight. At 20 minutes after 12 the House was resumed, when

Mr. Attorney General Wedderburn unexpectedly moved for leave to bring in a Bill for taking away all legal exemptions of different descriptions of seamen, seafaring persons, and watermen, and their

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apprentices, for a limited time; and for suspending, by an *ex post facto* law, the right of suing out a writ of Habeas Corpus, for any breach of those exemptions, which may have been, or shall be committed, from the 17th June to the 1st Nov. 1779. He introduced his motion with stating the imminent danger this nation stood in, in respect of an invasion, now meditating by the combined force of France and Spain, and said, that we were most particularly called upon at such a crisis, to make not only the utmost efforts in our power, but to remove all legal impediments in the way of calling every man to the aid of the state; to hold out encouragements to some, to compel others, and to enforce the assistance of every man, in some shape or other. He next observed, that the navy was our great national bulwark, but that several impediments stood in the way, to prevent it from being much more effectual; that the crisis was now arrived, which called for the removal of those impediments. Sir Charles Hardy's squadron was inferior to the services expected from it; the truth was, ships were ready, but there was a considerable deficiency of seamen to man them. He understood, if a supply could be obtained, that there were six or eight ships of the line more ready to receive their complements aboard, which, in the present exigency, would be a very seasonable reinforcement to sir Charles, and enable that officer to face, with a fair prospect of success, the common enemy, and restore the British flag to its wonted superiority and splendour. He proceeded to state the impediments which stood in the way of an effectual sea-press. The first statute, now in force, which created an exemption, was the 2nd of Anne, c. 6. He did not know but this act, in operation of law, may have ceased; but it provides, that parishes may bind out poor boys apprentices to masters of merchantmen, who shall be protected from impressing, for the first three years; and if they are impressed afterwards, the masters shall be allowed their wages. The seamen employed aboard ships fishing in the northern seas, and on the coast of Greenland, were protected, and an exemption created in their favour, in order to encourage that fishery. All foreigners serving aboard British merchantmen, privateers, &c. are likewise exempted, by statute, from the powers of the impress. So are all apprentices bound to watermen on the

river Thames; all men after a certain age; all persons serving the London market with certain species of fish. Besides these exemptions, created by statute, discretionary powers were vested in the Admiralty-board, to grant special protections to seamen, to prevent them from being impressed in certain circumstances. See the statute of 7 and 8 William 3, 2 Anne, 4 and 5 ditto, and 1 George 2.—The object, then, being an immediate and effectual supply of seamen, and persons used to the sea, and working upon rivers, &c. several of whom were exempted in the manner now stated, those exemptions and protections, extending to a very considerable number of persons, the question was plain and simple: will you let those impediments stand in the way, trust the fate of the nation to an inferiority at sea, and commit the existence of this country to meeting the enemy on shore? Or will you not rather employ the power within your reach, and, by suspending those laws, in the present exigencies, meet your enemies on our proper element, upon an equality? His proposition would, he said, be formed on the latter idea. He would first move for leave to bring in a Bill for the more speedy and effectual manning his Majesty's navy; he would propose, if his ideas should meet with the approbation of the House, to move for its first and second reading that night, to have it committed for the next day, and to move for the suspension of the different laws which enacted those exemptions, for six months.—He ought to apologize for making a motion of such consequence at so late an hour, and in so thin a House, when many of the members were gone home, not expecting that any matter of importance would be agitated. The argument, he confessed, was strong; but he was free to declare, that he postponed his motion on purpose: he deferred it to a late hour, in expectation that no notice of any such measure would get out; the press would be more effectual; for he was fearful, if it were publicly known the next day, that the great object of the Bill would be in a great measure defeated.—He begged leave to add a word or two on the legal commencement of the intended law. His Majesty's servants had felt our public situation, the emergency of it in point of defence; and having so felt, had not been unmindful of their duty. They had already issued orders for a most vigorous impress, of all useful hands, without any re-

gard to the laws in being. What then would be the consequence if the Bill should not commence till after it should receive the royal assent? These two things of course; that when the persons so exempted by law were brought before the regulating captain, upon proof made that they came within the descriptions of the several acts alluded to, the regulating captain would be obliged instantly to discharge them, and every man of them would be entitled to maintain an action for false imprisonment. Nay, a worse consequence would happen; every person so protected would be at liberty to sue out a writ of Habeas Corpus, who had or should be pressed before the passing of the present act. To obviate these several inconveniences, particularly that of permitting those already pressed from suing out writs of Habeas Corpus, he proposed that the Act should commence from the 16th of June. He concluded by moving "for leave to bring in a Bill for removing certain difficulties, with respect to the speedy and effectual manning of his Majesty's Navy, for a time to be limited."

Sir *George Savile* by no means approved of the Bill, much less in the manner it was brought forward. For his part he was astonished that the learned gentleman was not ashamed to avow the reason he had assigned, that of concealment, and reducing that House to act as so many midnight conspirators; who, under the colour of devising measures for national safety, had every appearance of plotting, in the dark at midnight, its destruction, coming like so many hired ruffians, with weapons concealed under their cloaks, to bury their poniards in its very bowels. Such an act might be necessary; he had many reasons to believe not to the extent contended for; but why bring it forward at this dark and silent hour? Why not propose it early in the day, in a full House? The reason assigned for this assassinate mode of conducting public business was, to the last degree, unsatisfactory, "lest the public should be apprized of it." Has not the learned gentleman already told us, that the Bill is to act retrospectively? That it is to commence on that melancholy, I fear, fatal day, on which the Spanish minister delivered the manifesto now on that table? Has not he farther informed us, that the ministry have not been unmindful of their duty, for they have exceeded all their former attacks on the constitution? They have trampled on the laws, and have found

an advocate to defend their conduct in the person of the learned gentleman who has made this extraordinary motion, in this extraordinary manner. Is then the learned gentleman's love of his country not satisfied with the injuries inflicted on the most deserving part of the community, by robbing them of that protection which the laws have given to them, and by breaking the national faith, which is the great pledge to every Englishman for their due performance? Would the learned gentleman not let one father, one husband, one brother, or one child escape, in this general scene of oppression and injustice? Methinks I hear the heartfelt shrieks of the miserable wife this instant piercing my ears, and entreating in accents of rage and despair, the midnight ruffian not to drag from her side her tender and affectionate husband; the father of her children, and her only support. I think I hear the aged and helpless parent, in accents of sinking misery and distress, bewailing the loss of his dutiful and beloved son. I confess I am filled with horror at the various ills this instant inflicting in every part of these kingdoms, contrary to every principle of law, justice, and humanity: but the learned gentleman has a stomach for all this, and much more; for he says, he has stood up at this midnight hour to propose a law, which, if proposed in open day, in a full House, might perhaps have this one consequence, that of procuring for the persons to be affected by it, that personal security; by flight and concealment, which the laws of their country, and the assurance of public faith always supposed to accompany them, have been inadequate to. He then spoke to the indecency, as well as cruelty and injustice of the measure; and was astonished how the learned gentleman could hold such a language, as that any necessity almost could justify ministers, or their friends, in taking the House by surprise, and urge that as a reason for doing so, which was, upon every idea of parliamentary proceeding, the most cogent to prove how improper it was; namely, a midnight hour and a third House.

The *Attorney General* defended the act upon the ground of necessity. The laws alluded to were not meant to be repealed, but merely suspended. If the necessary complement could be procured, the operation of the law would necessarily cease; and at most, when others were procured to supply their places, those pressed under the act now proposed would be at liberty,

as soon as the former laws would again begin to operate, which would be in November. He was not convinced that the caution taken by him was improper; particularly with respect to the distant ports; for the difference of a day might, and he believed would tend to defeat the effectual purposes of the Bill. The hardships stated by the hon. gentleman were painted very strongly indeed: he felt for them as much as the hon. gentleman, but he looked upon them to be unavoidable; the miseries of a few ought not to be permitted to controul the safety and preservation of the state; they grew out of the public misfortunes of the time. Much was to be sacrificed, and much borne; the object we had to contend for was great and extensive. It was no less than to fight for our all; and though the sufferings so pathetically described were yet greater than he painted them, what was borne, and what might be lost, ought to be fairly balanced against each other. The predicted sufferings would be only temporary. On the other hand, if the services of such men were withheld at this tremendous crisis, perpetual misery and slavery might prove the alternative: so that if the temporary inconveniencies were fairly weighed against the probable consequences, it would fairly present this alternative to the British seaman: shall I submit to the latter for a short period, or shall I entail upon myself and posterity perpetual bondage? And while the hon. gentleman conceived such painful ideas of horror at the scenes which he presumed were then passing, he desired him to reflect, that the suffering parties would have one consolation to oppose to their present miseries, that of transmitting to their children and grandchildren, that constitution and those liberties, for which they had sacrificed the temporary enjoyment of domestic felicity.

Sir *P. J. Clerke* said, that it was shameful to conduct the public affairs of a great nation in such a pitiful, sneaking, treacherous manner. It was worse than breaking into a house at the dead of the night, in order to rifle it, and in case of resistance, to pre-determine to commit murder. Why not do it in the open day, and in the face of the nation? No men were more fully protected by law, in their property and persons, than the unhappy victims devoted to slavery by the present Bill. The exemptions they enjoyed in their persons from an impress, were as sacred as those of any other man; and yet, attend to the

great object of the present Bill. What is it? to legalize acts of outrage and injustice, which have been already committed, in defiance of the laws of public faith, and of the most solemn sanction of acts of every branch of the legislature, plighted in full parliament.

Sir *George Savile*, since no motives were sufficient to prevent administration from rushing blindly on to such notorious acts of cruelty and injustice, conjured the friends of the present motion to look seriously to its consequences. A Bill had just passed a committee for empowering government to compel the service of 30,000 men, to become soldiers, contrary to their dispositions and habits of life; another Bill, just on the heels of it, is proposed, to compel the service of men protected and exempted from it by the laws of their country. Nay, farther, their services are compelled while under that protection. The militia was bad enough, but there the complaint could not be general; those balloted might complain of the hardship, but not of the injustice; but here the hardship was great, and the injustice infinitely greater; because it applied generally and individually to whole classes of men, without exception, and took from them, without any imputed crime, what at the time they were in legal possession of, namely, the freedom of their persons, in respect of the impress laws. He most sincerely lamented the fate of his country, and wished to avert its approaching destruction, for he confessed he saw nothing in either measure, but the seeds of revolt and insurrection: one third of the force of the kingdom to be employed in quelling and subduing another third; and the remaining third part, only, to face the united force of a most formidable and inveterate enemy.

Mr. *Dempster* said, common forms must sometimes be dispensed with. He had himself, that morning, seconded a motion which superseded two of the East-India Company's bye-laws, in order to obtain so well-timed and necessary a measure, as that of procuring the assistance of the Company at the present crisis. The Company had voted large and extensive bounties, by way of encouragement, and three line of battle ships. Now if the bye-laws had been strictly abided by, time would be lost, and a difference of opinion might have arose. On the other hand, by dispensing with them, unanimity and dispatch were both effected, and Europe will perceive, that union, in this country, implies

strength; and that, when united, we have nothing to fear from the utmost efforts of our enemies. He confessed, that he would have been better pleased, that the proposition had been made in a fuller House. He could not speak to the propriety of the measure itself; if the men were wanted, they must be had; but the House ought to be first satisfied, that no other means would answer the same purpose, on the present occasion; or whether men might not be procured in sufficient numbers by the usual mode of pressing; or whether the very great number of protections granted by the board of Admiralty at pleasure, and not supported by any existing law, might not be called in.

Sir *Grey Cooper* said, if there had not been omissions in the several Acts alluded to, there would have been no occasion for the present Bill. The Act of the 2nd of the King, giving an exemption to persons bringing fish to the London markets, contained a proviso of exception in case of rebellion or invasion, and it could only be inattention in the framers of the former bills of exemption that was the reason of the present application to parliament. The nature of all government, in times of public exigency, pre-supposed a right to call upon every man's purse or person in aid of the general defence, consequently, the arguments respecting the constitution, and the particular hardships and distresses of individuals, or descriptions of men, fell to the ground.

At one o'clock the Bill was presented and read a first time instantly, then read a second time, and afterwards committed for the next day. The Bill passed without further opposition.

Debate in the Lords on the Bills for doubling the Militia; And for speedily Manning the Navy.] June 25. The Bills for doubling the Militia, and for speedily Manning the Navy, were read the first time.

The Marquis of *Rockingham* said, the alarming state of the country, and the weak state of the navy, though imputable to ministry in general, were particularly so to the first lord of the Admiralty, who suffered the navy, the great bulwark of the kingdom, to be in so deplorable a state, that it was now much weaker than it had been on former occasions of public danger, and although so many millions had been granted for the support of it, it was barely equal to the fleet of France alone. The

marquis enumerated various instances of misconduct in the Admiralty department, and particularly mentioned the suffering seven sail of East-Indiamen to put to sea under convoy of only one ship, some days after the Brest fleet had sailed. He attacked ministers severely on this fact, and charged them with being either grossly ignorant and deficient of necessary intelligence, or grossly inattentive to such information as they obtained. He said their conduct respecting the Spanish rescript was a fresh instance either of their neglect, or of their want of intelligence. If they had known of it before it was delivered, and saw that the war must happen, they ought not to have deceived parliament, and declared, that there was no fear of a war with Spain, neither ought they to have come now with a violent Bill, which nothing but the most pressing exigency of affairs could justify; the measure should have been adopted sooner, in order to have rendered it effectual; and, if they had not foreseen the event, they were the only persons ignorant of its being likely to occur; an ignorance the more inexcusable, because they had been told of it from almost every man on that side of the House. He said, he wondered not at their turning a deaf ear to the noble lords near him, after they had turned a deaf ear to the advices of their own ambassador. What he alluded to was, the circumstance of a noble viscount's rising in that House, in consequence of a question being put to him, whether he had or had not sent ministers timely information of the treaty between France and America being in progress, and declaring that he had not only sent ministry word that the treaty was on foot, but of his being confirmed in his knowledge of it, and of its conditions. At that time he remembered a noble viscount (*Weymouth*) rose, and said that what the noble viscount had declared was in every respect well-founded, but they were not bound to believe it. The marquis added, that he thought this at the time a little extraordinary, but from what he had lately heard the noble viscount, who was ambassador at the court of Versailles, say respecting the court of Madrid, and of the delicacy with which that court ought to be spoken of, and the little doubt there was to be made of Castilian honour and sincerity, he gave the ministry credit for not placing too much reliance on what came from the noble viscount.

Having dwelt for some little time on

the deceit of the ministry, his lordship spoke of his own conduct, and justified himself from the charge of inordinate ambition, as the main spring of his actions, by reciting his own life, and declaring the marked character of his mind from his youth upwards. He said he had been bred in principles of the warmest loyalty, attachment, and affection to his sovereign, accompanied with the most sincere regard and enthusiastic reverence for the constitution. That from his earliest infancy he had acted upon these principles. That during the reign of his Majesty's predecessor, he had, as some of those who saw him then well knew, shewn the most zealous ardour to prove his loyalty. That his majesty of that day had done him the honour to say, he regarded him as a man of integrity. That in the beginning of the present reign, he felt the same attachment to the throne, but was sorry, in the opening of the reign, to see that designs were forming by interested individuals near the King's person, which neither promised honour to the sovereign, nor happiness nor advantage to his subjects. That his Majesty thought proper to entrust him with the administration of his affairs. That at that moment he ambitioned nothing: his sole object was to act in such a manner as should preserve the dignity of the crown, and the happiness and prosperity of the subjects in general; that he regarded the Americans as the younger children of the crown, and by every means in his power humoured their frowardness, and contributed to their comfort, resting on that alone his hopes to render them dutiful and affectionate to their parent country. How different had been the conduct of those who succeeded him in office! Instead of falling in with the little waywardness of America, they had opposed the sternness of power to the harmless bent of inclination in the colonies. They had thwarted America in every point, and denied her requests in every particular. Not that he meant to say, America had been unreasonable in her requests; most of them were founded on justice, and upon our denial of giving them the relief they prayed for, rested that righteousness of cause which upheld every step she had taken. The marquis mentioned his Majesty's having thought proper to change his administration, and declared he at the time cheerfully acquiesced in the alteration, hoping that matters would be conducted by men more capable of under-

taking the administration of affairs than himself. How far they had been well conducted, he left it to the world to determine. Of this he was certain, they could not have been conducted with more zeal for his Majesty's honour, nor with more anxiety to promote the prosperity of all his people. Having come to this point, the marquis mentioned Ireland, and desired to know what ministers intended to do respecting that loyal and distressed country? He said, it was highly necessary that they should go a step farther than their late resolution, before parliament arose. He complained of the chief part of his motion respecting Ireland, some weeks ago, having been insidiously omitted, and said, that nothing but the hope that the King's servants were in earnest, should have induced him to have agreed to the omission. After discussing this much at large, he desired to know whether ministers meant to prorogue, or only to adjourn parliament, and at length adverted to the Bills upon the table, which he termed measures of great magnitude, and upon the face of them a confession on the part of the ministry, that the state of affairs was desperate. He declared his readiness to serve his country as far as his abilities would allow, and said he was fully convinced that, great as the danger might be, this country was equal to meet it fully and fairly, provided unanimity prevailed. That unanimity, however, he feared could not take place while those who had by their mismanagement induced the present danger, were still in office. He would not oppose the Bill, but he had great objections to it in its present state, objections which he should offer at the proper time, and when the Bill came to be debated.

With regard to the Indemnity Bill, he said, that it was not a little hard upon the subject, that after ministers had from time to time been apprized of their fatal misconduct, and forewarned of the consequences which would inevitably follow, they should, when the predicted effect really came upon them, urge parliament to consent to Bills which went immediately to destroy the liberty, and disturb the quiet and comfort of individuals, merely upon the grounds of that necessity, which they had, by their obstinacy and their ignorance, given rise to. The Indemnity Bill, the marquis declared to be founded upon violence and injustice; it was such a Bill as ought never to be countenanced

but in a moment of the most pressing emergency; it tended directly to violate parliamentary faith, and to destroy that confidence which ought always to be religiously preserved between the legislature and the subject: and to this, it carried in it an extraordinary gift of power to the first lord of the Admiralty. That was a point which ought to be settled; was it understood, that the first lord of the Admiralty was to grant warrants of protection, *ad libitum*: The Bill took away all parliamentary protections; why did it not remove all others? If it was founded on necessity, that necessity ought to have its prevalence in all cases without partiality. He begged therefore to know, if the first lord of the Admiralty was, by this Bill, to be created sole arbiter of the liberty of the subject? The question was serious and important, and therefore he expected it would be answered.

The Earl of Sandwich lamented, that the Bill did not meet with that unanimity, which he had flattered himself would characterize its reception. From what had passed on the last day's debate, and from what had then fallen from the noble lords on the other side of the House, he had been induced to hope, that as the object of the war was now changed, and as the question at present was, whether France and Spain should be vigorously opposed, every one of their lordships would join heart and hand in adding to the necessary exertions of government. He would not say, that there was an opposition to the Bill; from what had fallen from the noble marquis, he was convinced that there would not be any; he was sorry to find, however, that there was even the shadow of an opposition to it. The exigency of affairs was certainly great, but it was such as ought rather to create an ardour in the mind of every true lover of his country, than any idea of despair. The present measure was a necessary one, and added to the other preparations, would put the safety of the country out of doubt. With regard to what the noble marquis had thrown out respecting the state of the navy, it was a fresh proof to him, that every lord on the other side of the House thought it his indispensable duty to attack the first lord of the Admiralty, let there be grounds for an attack of that aim and direction or not; for what had been the principal business of opposition during the session? To endeavour to disquiet, accuse, and harass as much as possible that officer of

the crown, who in the present crisis had most business of importance upon his hands, and who, if noble lords had really considered the interests of their country, and had those interests as sincerely at heart as they declared they had, they would rather have encouraged to additional exertion than endeavoured to teize into discontent with himself, and disregard of his public duty. Charge after charge had been urged, and what had been the consequence? Every one of the various charges had been in the clearest and fullest manner refuted and disproved. The noble marquis had thought proper to say, that the navy was in a deplorable state. He denied the assertion; he insisted on it, that the navy was at present in the most respectable state: that was ever known since Great Britain was a kingdom. To prove this, he recapitulated the number of men and ships in commission during four years of the last war, and particularly instanced the amount of each in 1759, which was by far the year of the greatest exertion. In that year 86,700 men were borne on the books of the ships of the line then in commission, and the number of ships was 97. At present, we had not quite so many ships, but what we had were greatly superior in point of strength, and the number of our seamen at present amounted to 81,000, which, considering that we lost 18,000 of the seamen employed last war, by not having America, was surely a very considerable number. The fleet under sir Charles Hardy was as fine a fleet as ever was sent out; it was now very strong, and in a few days it would be much stronger. The noble marquis had complained of seven East Indiamen having been sent to sea under the convoy of a ship of 40 guns, and he had formerly said of 20 guns. The noble marquis was mistaken in both points. It was neither a ship of 20, nor a ship of 40, but a ship of 50 guns, accompanied with a frigate. At the same time they were suffered to sail, admiral Darby was at sea with ten ships of the line; therefore there was no danger. As soon, however, as admiral Darby returned, orders were sent after the Indiamen to bring them back. By some accident, the first orders did not reach them; other orders were afterwards sent, which did come up with them, and they returned safe. His lordship justified the suffering them to sail at first, upon the then strong appearance of safety, and the pressing requests of the Company, that

they might sail as early as possible. The French fleet also, it had since appeared, were not out; and the event had proved, that had they been permitted to sail they would have gone safe. Every effort of vigour was making in his department, and he flattered himself, that time would shew that there had been the greatest exertion that ever was known for the last two years.

The Earl of *Derby* said, that there was not any one of their lordships more willing to contribute to the defence of the kingdom in a moment like the present, than he was. He heartily wished that the unanimity which the noble lord had adverted to, could be brought about. Perfectly convinced he was, that, on the side of the House on which he then stood, an unanimity of sentiment to support his Majesty against his enemies, prevailed in the most eminent degree; but how was it possible that they should be unanimous in joining in the measures proposed by those very ministers who had, by their misconduct, brought this once glorious kingdom to her present miserable condition. He meant not to oppose the present Bills, because, in such a moment, he would not furnish ministers with a pretence to be brought forward in future, why they were unsuccessful; neither should he have risen at all that day, had not the noble lord said, that every charge which had been brought against him had been disproved. Good God, was it possible for their lordships to have patience, and hear such an assertion! Had not a noble earl moved an address to his Majesty for the removal of the first lord of the Admiralty but a few weeks since, and had not the noble earl supported his motion by a variety of facts, to several of which no answer had been given? Had any refutation been attempted of the charge of leaving lord Howe in America without a reinforcement, in a moment when it was known that M. D'Estaing was under sail for America with a large fleet, which, had wind and weather permitted, might have extinguished all our hopes in that quarter of the globe? What answer had been given to the charge of not having sent a fleet into the Mediterranean? What answer to the charge of not having sent a fleet to prevent a junction of the fleets of Toulon and Brest? Why had not the first lord this year prevented the Brest fleet from sailing out to join that of Cadiz?

The Earl of *Bristol* declared, he made no scruple to pronounce that the delivery

of the Spanish rescript was solely owing to our fleet not being at sea sooner. He owned, that the 31 sail under sir Charles Hardy, were as fine ships, and he believed as well manned, as ever put to sea; he wished, however, that they had gone to sea sooner, and charged the first lord with the grossest misconduct in not having got them out before the French fleet sailed, emphatically declaring, that if he had, he verily believed we might now have been at peace with France, with Spain, and with America. He reprehended the same noble earl, on account of the navy being decreased so much since 1771, when lord Hawke left 139 sail of the line behind him, 81 of which were at that time ready for sea. He asked what had the noble lord done with those ships and the money so lavishly granted him by the public to support the navy? In answer to what lord Sandwich had said respecting the want of men, he declared, that was not his argument; he complained of want of ships; he was convinced that there were men enough to be had, if the proper means were taken to obtain them. The noble lord had said, every charge brought against him had been disproved. He appealed to their lordships whether he had not stated a variety of charges in order to justify his motion for the removal of the noble earl. What was the consequence? The motion was got rid of by a previous question—was that a refutation? He said, he was far from wishing to clog the measures of government at this crisis; on the contrary, he was ready to assist with his personal services, in repelling the common enemy. He called upon ministers to give proof of the sincerity of their pretended zeal in offering their lives and fortunes; declaring that the words which conveyed the offer, were not so weighty as the air which bore it to the ears of those to whom they made it; that they should proceed to realities, and that now was the time to give a test of their true meaning; let them resign their salaries, their pensions, their emoluments, and their reversions, and let the amount go to the payment of the necessary expences of the times. Having uttered this in a loud tone, he owned he spoke with heat but not with passion; the subject warmed him; he desired to be heard distinctly, and he wished he could be heard from one end of the kingdom to the other. What he said was fair; was warrantable. At the same time he declared, that he called upon those who were

in place to make no very great sacrifice. Every man possessed of 2,000*l.* a year, was able to give as much as he was, if they would but be contented to live within a moderate compass. The ministry, and those in place, had derived great emoluments from the public for many years, and it was but just, that in this hour of the necessity of their country, they should give back a little of the wealth they had amassed from the national revenue.—With regard to one of the Bills upon the table, it was liable to great objection. It must necessarily interfere with the first and most pressing service—that of the navy. It would be impossible to man the navy, recruit the old corps, fill up the new levies, and create a new militia at one and the same time. The objects were each of them important, but they could not be all served at once. The greatest object was our navy, for upon that, and that chiefly, rested our security. The earl laughed at the idea of despairing. It had been the fashion of the day to hold out terror to the public, to alarm them and to throw them into despondency. This was cruel, it was unnecessary. There was in this country an inexhaustible fund of riches and resources; more than able to repel ten times the dangers and difficulties that surrounded us; but all depended upon those riches and those resources being properly exerted. If he heard that ministers acted with vigour, he would be the first man to applaud their conduct. The noble lord at the head of the admiralty, if he knew his duty, would see that he ought to go all lengths to supply the fleet with men. The Indemnity Bill was a very proper one, but why had not the measure been sooner adopted? This was not an hour to talk of protections. The fleet was the grand object, and nothing should check the exertions to man it. Had he been in the noble earl's place, he would not only have put in practice what the Bill went to authorize, but he would have stripped all the privateers in every port in the kingdom; there should not have been a single merchantman suffered to put her bowsprit out to sea, till the grand fleet was fully manned, and able to protect her. When he said this, he did not mean to have it understood that he was an enemy to the commercial interests of the kingdom; far from it: no man had them more at heart; but in a moment like the present, the interest of individuals depended altogether on the interest of the public; the latter

must be served first, in order to secure the former.

The Duke of *Manchester* declared, there were now two press Bills on the table, a Bill for a land press and a Bill for a sea press: he should reserve the chief of his objections till the proper time of debating the two Bills, but he thought it necessary to alarm their lordships, and call their consideration to the real importance of the subject.

The Duke of *Bolton* entered into a discussion of the difficulties that would attend the carrying of the two Bills into execution. He said, that supposing men could be got, without regard to protections, to man the 13 ships now ready for sea, those ministers would be mad who sent ships, which now had no men on board, to sea with such riff-raff. He reprehended the militia in general, as inadequate to any real service, and after enumerating his objections to them, said, A fig for your new militia Bill, it is not worth a farthing! His grace also pronounced the late offer of the East India Company to build three ships for government, a frivolous, impudent, and impudent offer. It was rather an insult than an essential benefit, and he believed it was brought about through the influence of the first lord of the Admiralty.

Viscount *Dudley* declared that the present militia Bill was no more a land press than the former militia Bill was, and added, that though it was true the original balloting for militia occasioned much ferment in the kingdom, he did not believe the same consequences would follow the present Act, because men's minds were cured of the foolish prejudices which formerly filled them upon the subject. He thought the offer of the East India Company a very noble one; that it did the Company the highest credit, and he did not doubt it would be followed by other commercial bodies, and have the most salutary effect.

The Duke of *Richmond* said, that the two Bills were such as nothing but the most urgent necessity could justify. They were both press Bills; for what was pressing but a compulsory mode of obliging persons to take up arms, to become either soldiers or sailors; and to submit to martial law against their consent? Thus much for the principle of the Bills; not that he meant what he had said, as an objection to them; in times of public danger, every consideration must give way to the safety of the empire. The rights of individuals, even their dearest privileges, must at such

a moment be suffered to be invaded, and that under sanction of law. It only behoved ministers to see, when they attempted measures of the extent and violence of those which the two Bills authorised, that the danger was of that degree, as would bear them out for having asked such unlimited powers of parliament. With regard to doubling the militia, he had himself suggested it in the very last debate in that House. The present Bill, however, was not such as he had hinted at, there were clauses in it, which struck him as highly improper; so much so, that he really believed they would render the whole Bill nugatory and impracticable. The clause which augmented the companies from 60 to 100 men; and the clause to empower his Majesty's lieutenants to accept of any number of volunteers, and appoint officers to command them, were novelties in the militia, and might interfere materially with raising the men by ballot. He had his doubts also, whether it would be possible to raise the whole number. He remembered the violent tumult that there was in various parts of the kingdom when the militia was first instituted. Forces were obliged to be employed to protect the magistrates in the execution of their duty. It was true, the matter was now better understood, and much of that prejudice which artful men had inculcated in ignorant minds against the militia, was subsided; but the business of raising a militia was not yet so easy as the noble viscount imagined. Last year only there were riots and disturbances. In the very county in which he had the honour to be his Majesty's lieutenant, the people were in a ferment; with a great deal of talking to them, the disturbances were quelled, and quiet was restored. From that partial tumult it was warrantable to suppose that there would be a great difficulty in raising a new militia, and probably an army must be employed in order to carry the measure into execution. Another objection he had to the Bill was, that the militia now to be raised were, by the Bill, to be raised for three years. Why so? The exigency might not last so long. Besides, in a moment like the present, every possible encouragement should be held out to individuals to offer their services; it was in the free spirit of the people that our security consisted, and not in a body of men pressed reluctantly to bear arms. Why, then, should the men be torn from their families under the unpleasant idea

that they were not to return for three years? There was no occasion for the Bill's carrying with it such an obstruction to the very measure it tended to authorise. Say half the time; if the exigency then remained, how easy was it, having the men trained and disciplined, to get them again? their prejudice to the service would then be worn out, and being accustomed to a militia life, by far the greater part of them would enlist again, or come back as substitutes. At any rate, his grace advised avoiding compulsory measures as much as possible; and for that reason it was, that he should give the preference to accepting such offers of raising regiments as had been made to government.

Nothing could more strongly mark the want of decision and firmness in the King's ministers, than the mode in which this Bill had passed the other House. The first lord of the Treasury had brought it in, and proposed that the number to be raised, should be 31,500, or in other words, that the militia should be augmented to double its present number; a conversation took place, and upon something that had been said, by some person or another, up rose the first lord of the Treasury's secretary, and proposed that the number should be only 15,000; by and by, after some more conversation, the first lord of the Treasury changed his mind again; and the number was altered back to 31,500. It was this irresolution in government that made all their measures fruitless. No one of the ministers knew their own minds; how, then, could they expect that the nation at large would put that confidence in them which they required, and from whence alone could arise that cordiality and unanimity, hinted at that day by the noble earl at the head of the Admiralty? As the present Bill was worded, it authorised the calling out a double militia whenever his Majesty's ministers thought proper. There ought to be inserted in it some words expressive of the necessity upon which it was founded. He was sorry to see we were losing sight of the original constitution of the militia, and getting nearer and nearer to the idea of an army of regulars. The militia was originally formed, not only as the stationary force of the kingdom, but as a means of local defence. For this reason it was exceedingly wrong to move the militia of one county into another. He was aware of the argument that men under arms should have no local attachments,

and that they ought to be as ready to maintain this spot of ground as that, and in short to fight for their country any where. This was good doctrine when applied to the regular soldier, but bad when applied to the militia. The local affections of the latter ought to be encouraged as much as possible, whereas the soldier should be taught to regard all places alike, and to become a citizen of the world, preserving only that general love for his country, and that zeal for its interest and its honour, which ever had, and he doubted not ever would be the characteristics of all ranks of the British army. By changing the militia of the respective counties, and marching those raised in one part of the kingdom into another, that regard for their *natale solum*, that family attachment and connection which would make a militia-man fight with the utmost ardour in defence of a particular place, was wholly destroyed, and a general indifference begot in the minds of the whole body. Add to this, the knowledge of the strong parts of the kingdom, which those militia-men born near them must be possessed of, and which might be rendered essentially serviceable, was lost altogether; so that if a descent were made by the forces of France, and the regiments of Berne, Roussillon, and Orleans, attacked any particular county, they would know full as well the passes, high grounds, heaths, inclosures, and roads of it, as that part of the militia who happened to be there stationed, and upon whom the defence of it would necessarily devolve. His grace observed, that what he had there said applied altogether to the militia of the coast counties. The militia of Rutlandshire, Leicestershire, and other internal parts of the kingdom, ought certainly to be moved nearer to the sea, because, as a descent must necessarily be made coastwise, it could be of no use to keep any part of the militia in the inland counties.

Besides this, his grace said, it was highly impolitic to convert the militia into stationed garrisons, and to lock them up in one settled camp all the summer, till both men and officers, without doing the least good, were most heartily tired of their situation. By this means they learnt merely their common evolutions, and knew nothing of the most essential duty of a soldier. At present, doubtless, many ignorant persons might agree to enter, if chosen by the ballot, or as substitutes, under the ridiculous idea, that parading

at Coxheath or at Warley Common, and being reviewed by his Majesty, was all that they had to do, and that in so doing they were, as it was termed, defending their country. This, however, was very far from the necessary military preparation for a defence of the kingdom against an invasion. The lord-lieutenants of the respective counties had it in their power to give the commander in chief very important information. The weak and strong parts of the coasts ought to be ascertained, that the former might be fortified and camps marked out near them. There were several other things highly necessary to be done, and which he did not even hear were in contemplation. Had the cattle in several counties near the sea been numbered, and a proper place appointed for them to be driven to, upon the first alarm of a foe attempting to land? Had such a place been chosen for the general rendezvous of the cattle, so driven together, that it might conveniently be resorted to as occasion should require, and be changed according to the change of circumstances? Had an account been taken of the quantity of hay and corn in each county on the coast? And, what was exceedingly important, had it been ascertained what number of teams and horses there were in the respective districts, for the purpose of carrying off the forage, and driving it further inland, whenever such a measure should appear proper? Were there powder magazines established within reach of the army, necessary to be stationed near the coasts in order to repel a descent? Was there a single beacon erected in order to give the alarm upon the approach of the foe? Was there prepared a sufficient quantity of those instruments, more useful in military operations of defence, than either muskets, bayonets, or swords? what he alluded to was pickaxes and spades. Let this country for once learn from America: let the ministers consider to what it was that the long continuance of the war across the Atlantic was ascribable—to their intrenchments. Every Gazette account, from the affair at Bunker's Hill to the very last action, told us that the Americans had been uncommonly active in their works of this kind; that they were intrenched up to their teeth; that as soon as one work was demolished, another at a little distance presented itself, and another after that; in short, that the industry displayed in this kind of defensive operation was astonish-

ing. Let us also learn from France, and recollect; when we attempted a descent on the coasts of that kingdom last year, what obstacles we met with. At present he had not heard that the coasts had been even viewed by engineers, nor a single foot of earth turned up for an intrenchment. Supposing that the latter should turn out to be unnecessary as a matter of defence, it could not be unnecessary as a matter of instruction to the militia, any more than marching and taking positions, of which from their present management, they could not possibly have the smallest idea, and though in case of invasion, a very necessary and material part of the service, was what, unless they were immediately instructed in it, they would be perfectly strangers to. His grace added, that after all, take as much pains as possible, the militia could never be rendered equally serviceable with the regulars; it was very true there were many fine corps in the militia, but the service was so different, that it was a thing not to be expected that they should in the day of danger prove as good soldiers.

Another objection he had to moving the militia of one county into another, was this; at present most of the lords lieutenants of counties served themselves in the militia, and, according to their military duty, ought to be with the corps they had the command of, let those corps be stationed at ever so great a distance from the counties in which they were balloted. In consequence of the present Act, it would be incumbent on them to be in their own counties in order to assist in calling out and balloting the new militia, and in appointing officers. It was morally impossible for them to be in two places at one and the same time, consequently one of the duties must be neglected. Add to this, the expence that doubling the militia would cost the nation. It seemed of late to have been adopted by government as a maxim, that the security of the public must inevitably be great if the cost were large. There never was a more foolish idea. It not only was a *non sequitur*, but to go to a great expence without a certainty of producing some adequate effort was at all times highly imprudent; at this moment, it was playing into the enemies hands, and cutting our own throats to save them the trouble. It might be said, that he threw this out to save himself from paying more to the public necessities; very far from it; every man's property

was lessened near a third within these ten years, and if it were lessened a third more, he was as able to live upon a little as any one of their lordships. His grace earnestly exhorted ministers to attend to what he had said, and to impute it to its true motive—a desire to serve his country in the hour of difficulty and danger. Let them not imagine that their places were wanted, and that what fell from him and from other lords near him, arose from any wish to dispossess them of their offices. Those must be bold men indeed, who, at this moment, wished to hold responsible situations. He had no such wish, he did assure them. When this country was at war with her natural enemies, France and Spain, he felt it to be his duty to do his utmost in support of his Majesty's crown, and the interest of the kingdom, against the House of Bourbon. The case was widely different, when we were solely engaged in an unjust war with America. Then he wished for peace, and would have done all in his power to procure it. His feelings had been of another kind from the first moment that the French rescript was delivered last year. As soon as he heard of it, he made a tender of his services in any capacity; either in the regular army, in the militia, or by raising a regiment of riflemen. We were, his grace observed, much in want of such corps in our army, and therefore he had offered to raise either riflemen or *chasseurs*. If the French made a descent, our army would feel a great disadvantage from having neither riflemen nor *chasseurs* to oppose their *chasseurs*. As a proof of the very essential service of such corps in action, his grace mentioned an instance of 800 of this sort of force, being posted by general Imhoff, last war, in a thick wood, near Cassel, directly in the front of the French army. It was astonishing the execution they did, and the difficulty with which they were dislodged was inconceivable. They placed themselves two and two behind the trees, and were such admirable marksmen, that as soon as any of the enemy ventured forward, they dropped them. After trying for a considerable time to dislodge these riflemen, the French general was obliged to march up a large body of his infantry with the utmost rapidity, and by that means, with very great loss on his side, at length dispossessed them of the wood. His grace declared he had offered to raise these sort of men, from his knowledge of their great utility,

and from our want of such corps. He could have gained nothing by raising them; his rank in the army would not have been more exalted; and it was impossible for him to have derived any one advantage; government, however, thought proper to reject his offer. He understood that an offer to raise a regiment of horse had been made lately by a noble duke; indeed that offers of different kinds had come from two noble dukes, and two noble earls, but that ministry had either refused to accept them, or had accepted them in so unhandsome a manner, that it would have been more civil to have refused them. The duke of Rutland, he was told, had offered to raise a regiment of cavalry, which would cost him 12,000*l*. Surely if ministers threw cold water on such an offer, they ought to do more themselves. He had not heard of any offer coming from them. Last war, the noble earl at the head of the Admiralty had raised a regiment. Had he offered to raise one now? Had the first lord of the Treasury offered to raise one? He believed not. Let the noble lords high in office consider appearances a little, and if they were consistent in nothing else, let them for their own sakes be consistent in their attempts to prove that opposition had no view but to get into place, no desire to serve their country, and that they only aimed at inducing fresh misfortunes, having nothing less at heart than the interest of the empire.

His grace declared, he had heard without doors that it was the intention of ministry to send a part of the militia over to Ireland, in case France and Spain should begin their attacks there. He warned them that if such a project were practised, the faith of parliament would be broken, and not the less broken, because this or that regiment had been induced to agree to, or because they had voluntarily consented. The express parliamentary stipulation with every man chosen by ballot was, that he should not be sent out of the kingdom; the condition, though individually made, was a general pledge of faith, and ought to be rigidly observed. Let the ministry pause a moment, and reflect on the danger of violating the parliamentary faith in any one instance. What was their argument respecting Ireland? That the parliament had pledged itself to enter upon an immediate consideration of their grievances, early next session, and to afford them all the relief that was consistent with

the well being of this kingdom. If the parliamentary faith were broken in one instance, it might be broken in another; and Ireland, by our violating our faith in regard to the militia, would have just cause of suspicion that we did not mean to keep our faith, relative to the promised consideration and relief of her distresses.

A report had been circulated, which, if it were not to be deemed an addition to our misfortunes, was certainly an addition to our disgrace. He had heard, but could scarcely credit the report, that it had been resolved in cabinet to invite a foreign prince to take the command of our forces at home, and to superintend the defence of the kingdom. Was it possible that ministers had gone so far in evil as to think seriously of a measure so insulting to every British officer, and so absurd in itself? He was far from intending to cast the least reflection on the military talents of prince Ferdinand. During the last war he had served under him in Germany, and it being his duty to be near his person, he had the best opportunity of knowing his ability as a general, and of admiring his conduct. But let ministers for a moment recollect the very essential difference of the service as commander in chief in Germany last war, and commander in chief in England at this crisis. Let them candidly consider the opposition of circumstances, and then let them say, if they were mad enough to pursue a plan which was engendered in folly, and which could only end in shame and ill-success. Prince Ferdinand last war commanded in a country, of which there was not a place but what he was intimately acquainted with, as well as the language, customs, and number of its inhabitants. He headed also an allied army, chiefly composed of foreigners. In this kingdom he would have to head an army of Englishmen, naturally averse to a foreign leader, and to command in a country, every foot of which, as well as its language, customs, &c. he was perfectly a stranger to. Exclusive of this, what a libel would the bringing over prince Ferdinand be to every British officer? Was there no Englishman capable of heading English forces? Were all our able generals, and all our able admirals employed, that we were obliged to send abroad to recruit for commanders? Was no native of England sufficiently master of military science, to be capable of undertaking the defence of his country, with a British army, amounting to near 100,000 men?

Forbid it honour, and forbid it shame! While a Keppel and a Howe were unemployed in our fleets, and a Howe and a Burgoyne unemployed in our armies, let not the disgrace of inviting foreigners to protect our country from a foreign foe, be added to the catalogue of national ignominy and national calamity!

With regard to the Impress Bill, his grace declared, that it went a very alarming length. It was a gross violation of parliamentary faith, and a direct attack on the peace and freedom of the subject; in short, it was a measure of so much magnitude, that nothing but the most crying exigency could countenance it for a moment. Before parliament, therefore, gave it the stamp of their authority, it was incumbent upon ministers, by an honest confession of the true state of our affairs, to shew that they could not do without it; and here his grace took occasion to say, that he was far from being of opinion that if we were really weak, it was the duty of ministers to conceal our weakness; that might be very good policy, while it was a matter in doubt whether a foreign enemy should break with us or not. To conceal domestic weakness from other powers was a pious fraud, sanctified by wisdom and good sense, but in a moment like the present, when all that we had to dread was at our door, it was a matter not only of the greatest folly, but of the grossest criminality, to deceive the nation, and not to tell them where the country was weak. He was perfectly convinced the danger would be less the more it was known, because, be it what it might, the country had abundant resources, and there was spirit enough in the people to give the necessary strength to government, but it was impossible for the people, let their zeal be ever so ardent, to support government effectually, unless they were informed to what point it was most necessary that their zeal should be directed. One great objection to the Bill was, the passing it now and letting it advert to an antecedent period. If the measure of pressing from all protections were really necessary to man the fleet, the first lord of the Admiralty should have put it in practice, and come fairly to parliament in the usual way, and desired an indemnity. The present Bill, dating the time of its being in force from the 16th of June, was clearly an *ex post facto* law, and all *ex post facto* laws were unjust, and contrary to the spirit of the constitution; a general taking

away of protections also, as it would materially affect trade, was a very serious consideration. The present Bill would throw an additional and inordinate degree of power into the hands of the first lord of the Admiralty. It was highly necessary, therefore, before their lordships gave their consent to it, that they should hear from either the noble earl himself or some other minister, how that power was intended to be exercised. The question concerned the public materially, but it concerned him most materially. If the coal trade were cramped, not only the city of London and almost every manufactory in the kingdom would be deeply affected, but his fortune would be much injured. Did the noble earl at the head of the Admiralty mean to protect the coal trade? It was a question which ought to be answered. His grace reprobated in severe terms the practice of selling protections at the Admiralty-office. He declared that no man ought to be favoured with a protection who was not entitled to one, on account of the nature of his trade, and the benefit which the public derived, or were likely to derive, from his being protected in that trade; where he was so entitled, he ought to have the protection free from any charge whatever.

His grace concluded with recommending ministry to endeavour to create what they themselves preached up, unanimity; and this, he told them, they could never expect to attain, unless they totally changed the system of their measures. He cautioned them not to place too much confidence in a majority of parliament; there were times, and those seemed to be at hand, when the voice of the people at large would be heard, and ministerial delusion would cease of its desired and usual effect. At present, he assured them, a great many of their parliamentary majority, the moment they had got on the other side of those doors, within which they had given their votes in support of ministers, made no scruple to shrug up their shoulders, and to declare, that the present ministry was the most weak and absurd that ever ruled a great nation; that their measures were founded in the grossest ignorance, and conducted with the most marked negligence and want of spirit. Without doors the majority was three to one against them. In all parts of the kingdom, in all companies and on all occasions their conduct was canvassed without reserve, and reprehended without mercy. Let them not, therefore, trust to

the astonishing degree of apathy and insensibility that had characterised the nation for years. They had themselves occasioned the cloud which now blackened the British horizon; let them beware it did not burst upon their own heads.

The Marquis of *Rockingham* again put his questions about Ireland, and the remaining right of granting protections, which the Bill would leave vested in the Admiralty board; declaring that the power was inordinate, and ought not to be trusted in such hands: the terms, which he understood the Irish would demand and expect, were, a free exportation of their woollen manufactures, and a tax on absentees. The marquis complained of ministry taxing his property in Ireland to pay pensions to prostitute lords of parliament and members of the other House; he threatened to stay in this country no longer, unless Ireland, where he had a large property, was relieved.

Earl *Gower* said, that he understood the Irish were perfectly satisfied with the parliamentary pledge; that in the recess the matter should be fully canvassed, and early the next session such relief as this country could grant, afforded to that confessedly distressed and loyal people. With regard to protections, he conceived the Admiralty board would possess no more power than they formerly had, and he dared answer for it they would only use their discretion where it was necessary.

The Earl of *Bristol* was for allowing protections to no persons whatever, but those in the coal trade; and if the city of London and the several manufactories in the kingdom would not be greatly distressed by checking the coal trade, he was free to say, he would not even agree that they ought to be protected, before all the navy was completely manned.

The Earl of *Sandwich* said no protection were ever given or sold to single men. That it was astonishing the number of protections that were wont to be made out of the Admiralty office, which this Bill would put a stop to. That the Admiralty protections were always granted to masters of certain vessels for so many men each, and stipulated fees were paid at the Admiralty office. That in no public office business was done without some fee; he saw therefore no ground for complaint against that office over which he presided, more for taking its accustomed fees than any other.

The Bills were read a first time.

June 28. The Earl of *Coventry* recommended unanimity as a thing highly necessary in an hour of danger like the present. His lordship exhorted ministers, if they had the least regard for the interest of Great Britain or the honour of the crown, to put an end to the American war immediately. He said the American war was a millstone about the neck of this country, which pulled her down, and rendered every effort to retrieve her character, as a great nation, ineffectual. He understood, that since the large detachment had been sent from sir Henry Clinton's army to the West Indies, our affairs across the Atlantic wore a better appearance than before; if the lessening our army at New York was attended with so much benefit, it was warrantable to presume that the withdrawing the whole of the army would produce still greater advantage. For these reasons he most heartily wished, that during the recess, ministers would employ themselves in endeavouring to effect so salutary a purpose, assuring them that of all the measures they could possibly adopt, it was the most likely to promote unanimity; for however averse a great number of people were, to carrying on an unjust war against our brethren in America, there could be but one sentiment respecting the war against our natural enemies.

The Duke of *Grafton* said, he was as ready as any man in the kingdom to be unanimous in supporting such measures as were most likely to contribute to the defence of this country against France and Spain, and to give vigour to our military exertions, in a crisis in which military exertion, both by sea and land, was so necessary as the present. He could not, however, consent to an union with that set of men to whose bad conduct all the danger and difficulty of the hour was to be ascribed. The best way to procure unanimity would be for those men to retire from the government, to which they had proved themselves wholly inadequate. They had not only, by their weak measures, brought on all the disgrace and calamity which overwhelmed us; they had not only lost all confidence at home, but they had contrived to lose all confidence abroad. Hence it was that in this perilous crisis we stood without a single ally; all Europe looking on with indifference, or rather with a hope to see us crushed and annihilated. His grace said, he was in the country upon his private business

when he first heard of the Bill, which was that day to be the subject of consideration. It struck him instantly that a Bill so suddenly brought in and hurried through the other House in so hasty a manner, must be a very raw, indigested and imperfect performance. As a proof of this assertion, he reminded their lordships of the great variety of our militia laws, and the manifold errors that had from time to time escaped in most of them. He mentioned also that the laws themselves were so voluminous, that a few years back, when it was thought advisable to review the whole, and collect the essential clauses of each, into one statute, that statute swelled into a volume. As soon as he heard of the Bill, he posted to town instantly, and arrived at his house yesterday evening. That he there found the Bill, which he presumed had been delivered as soon as it was printed. That as he expected, when he came to read it he discovered it to be full of defects. His grace then stated the parts of the Bill which appeared to him to be particularly objectionable, and first he mentioned, that in the second clause, it was enacted that "it may be lawful for his Majesty to order and direct the number of private men to serve in the militia to be doubled." The words 'private men' his grace commented upon for some time, observing that, those words confined the new militia to the private men only, and did not give the least hint of the officers necessary to command them. He next adverted to the clause which enabled his Majesty to augment the militia companies to 100, and directed that one lieutenant should be added to each company so augmented. This he declared was an innovation, that might be attended with bad consequences; he added likewise, that it was the first mention of any officer, and that it so effectually took away the right of appointing officers from the lieutenant of each county, and from the three deputy lieutenants, and vested the power in his Majesty, that if he were sent to, as lord lieutenant of Suffolk, and desired to appoint the officers of the new militia, he should write word back, that he could not assume any such power, for that by the Act, his Majesty alone had the power. His grace recommended to the House a serious consideration of the Bill, stating, that the measure it tended to authorise was of infinitely greater extent than they might possibly foresee; that however plausible it might appear in

theory, it might not, upon trial, be easy to be carried into practice, and that if they did not seize that opportunity of deliberating upon it with due circumspection, they might hereafter have much reason to lament their precipitation.

The Duke of Manchester said, that he had for many years taken a great deal of trouble about the militia; that as originally formed, it was a constitutional force, and such he hoped it ever would continue. The present Bill tended to alter it in many points, and therefore ought to be very deliberately considered. His grace stated a variety of objections to the form of the Bill, and some to its principle. He doubted the practicability of the measure, and likewise the effect it might have on other services. With regard to the former, it would bear hard upon the public from the season of the year in which it must necessarily be carried into execution; the harvest coming on, and all the husbandmen preparing to get in that corn and provender, which was not only of material importance to the individual whose property it was, but to the nation at large, whose subsistence depended upon it. He questioned likewise the possibility of gaining so many men as the Bill called for, and dreaded the disturbances that might ensue from attempting to enforce the Act. He argued also upon the necessity of recruiting the old corps, and of getting men for the new levies, submitting it to their lordships, whether it was not obvious that one service would clash with another, and that perhaps by attempting to raise a new militia, it would be impossible either to complete the manning of the navy, to complete the old regiments, or for such of the nobility whose offers to raise regiments, &c. had been accepted, to get their men. He mentioned, that he had very early made an offer to government to raise a regiment, but his offer had been rejected.

The order of the day being read,

The Earl of Bristol said he should not have risen, had it not been asserted that he had mis-stated facts relative to the navy, and that he not only was confuted in that erroneous statement, but that he had acknowledged he was confuted. This was a gross deception. He had spoken to their lordships from authentic accounts, which he defied any one lord to disprove. His lordship adhered to what he had on every occasion insisted on, viz. that the manning of the navy was the first consi-

deration, and ought to be first attended to. He said, that no measure which was the least likely to prejudice that great end, ought to receive the countenance of their lordships, and that the present design of augmenting the militia, struck him as immediately tending to operate against that and other very important services. He was therefore inclined to vote against the Bill being committed; but what would determine him, would be an answer from the commander in chief of the army, relative to the deficiencies of the army. Report said that the army was from 14 to 16,000 men short of its complement. If this were true, it was an unanswerable argument against acceding to a Bill, which if passed into a law, would swallow up almost every man in the nation fit for service. Before he sat down, he would ask another question of a noble lord (Sandwich), were the corps of marines complete? If they were not, it was an additional reason, why, in a moment like the present, the augmentation of the militia was a measure impolitic, and improper to be adopted.

Earl *Gower* declared, that in a crisis of emergency like that in which we now stood, he had hoped that every mode of calling out the strength of the country, which was proposed, would be readily adopted and supported by parliament. That he had himself had his doubts of the practicability and prudence of the present measure. That there was scarcely an argument which had been urged against it, which had not, at one time or other, since the measure was first proposed, occupied his mind; that, however, he was inclined to forego his own opinion, from the consideration, that the Bill apparently held out the mode most likely to collect a large force for the defence of the kingdom speedily. That the Bill, as it stood, was not of necessity to be adopted *in toto*; most of the objections which he had heard made to it might be met, and the committee might so alter the Bill, that the whole might be done away. With regard to the question respecting the deficiencies of the army, he was not competent to answer it, and if he were, he was free to say, he should think a direct and explicit answer highly imprudent. Thus much he would declare, the amount of the armed forces in the kingdom, including the militia, which had been stated by a noble duke last Friday, was, he believed, extremely erroneous; if he was rightly informed, the

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gross number was many thousands short of the number stated. The effective troops now in the kingdom ought not to be taken to that extent in which it had been adverted to, and therefore the argument against the present Bill, which had been built on that foundation, was much shaken. His lordship earnestly advised the House to go into a committee upon the Bill, and said, that it might be there so altered as to be rendered unobjectionable.

Viscount *Townshend* reprehended the folly of providing for a home defence only, and losing sight of the necessary provision for the maintenance and support of our distant dependencies. He said, it resembled the conduct of a poor wretch in the last stage of mortality, who turned all his attention to his stomach, and thought if he kept that tolerably warm and comfortable, he was safe, although his extremities were wasting, and their loss of function must necessarily approach the seat of life by gradation, and end in putting a period to his existence. His lordship declared that no man was more ready than he was to give government every support that parliament could give them for the defence of the kingdom; it was necessary, however, to consider how far any measure proposed was adequate to the purpose it was avowedly designed to answer. The present militia Bill was such as, he feared, was rather founded in zeal than in prudence. At present the army wanted many recruits, and there were several new corps to be raised. Both of these struck him, as objects which ought to precede the raising an additional national force, and for this reason; the regulars, whether raised as recruits to the army, or raised under the offers of nobility as new regiments, might be sent out of the kingdom, and sent wherever the pressure of affairs might require. At present we had possessions at some distance. The West-Indies, it was said, would be the object of attack on the part of our enemies. We could not send any of the militia to the West-Indies, neither could we send any of the regular forces now in the kingdom; the sending of the one was prohibited by law, and the sending of the other was prohibited by necessity—in fact, we could not spare them. When such was the case, why should we attempt to monopolize every man in the kingdom fit for a soldier, by augmenting the militia to double its present number? His lordship urged the impropriety of putting the measure in

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practice just on the approach of the harvest, and stated his reasons why he thought that agreeing to the present Bill would clash with other services, asking why ministers should desire to cripple and obstruct the recruiting for the army, by throwing in the way of that great object, a Bill which would effectually hinder men being got, either by the regulars, the new corps, or by the navy? He declared, that every gentleman in the army well knew, that since the militia was first established, the recruiting service for the army was greatly checked, and almost put an end to. He advised a different mode of armament; that of each gentleman in his own country arming his followers, and registering their number, by which means each county would have its own force, and such a force as he was convinced would serve more effectually than any other. His lordship concluded with declaring, that he did not approve of the militia Bill; but that if he heard no better scheme proposed, he should certainly vote for that, because in a moment like the present, no man ought to deny his support to such measures as were suggested for the defence of the kingdom, however short those measures might fall of what he conceived might be carried into execution with greater effect.

The Earl of *Bristol* said, he considered the silence of the commander in chief of the army, respecting the deficiencies he had alluded to, as a confession of the fact; he therefore should move their lordships, that the Bill should not be committed.

The Duke of *Grafton* re-stated his objections to the Bill, and said, that the more he thought of it, the more he saw its defects. He conjured the House to take a little more time to consider it. He said his business in the country was pressing, and that he was to be in camp next Monday; he would, however, give up every personal consideration to a matter of such moment. He begged, therefore, that their lordships would only defer committing the Bill till the next morning, that ministers might have an opportunity of deliberating among themselves once more, and profiting by the hints they had that day heard thrown out in parliament. His grace particularly dwelt on the impossibility to recruit the army, man the navy, and fill the new corps at one and the same time. He declared, though the Spanish rescript had been delivered near a fortnight, and it was customary for the people in general to shew a spirit, equal to the wishes of go-

vernment, to repel the common enemy; that in Suffolk he had not seen the least appearance of that spirit, no one offer having been made him to accept a commission in the new militia.

The Lord *Chancellor* called the attention of the House to the question, which was, whether the Bill should be committed. His lordship urged the necessity of calling out the force of the kingdom, submitted to the House what was the most proper means of calling out that force, and informed them, that agreeing to the motion that the Bill be not committed, would be in fact denying the necessity of increasing the national force in any measure whatever. The present Bill might be imperfect, and liable to challenge in point of form; it would not, however, he presumed, be liable to any in point of principle, because in a crisis like the present, he did not conceive that any man would say he was an enemy to putting the kingdom into the best state of defence; whatever were the errors of the Bill, as far as he was enabled to judge from the objections which had been taken, there was not any one of them which might not be corrected in the committee.

The Earl of *Derby* said, that from what he had heard, he was confirmed in his opinion, that the Bill was impracticable. He entered into a history of his offers to raise a regiment, made on the delivery of the French rescript, to the noble lord at the head of the American department, and since the delivery of the Spanish rescript, to the present commander in chief, and complained of being greatly ill-treated on both occasions, and being marked as an object of ministerial persecution.

The Duke of *Richmond* said, he had mentioned doubling the militia in a late debate as a feasible project in case of necessity, but he had not dreamt of carrying the measure into practice, in such a manner as the present Bill stated. He agreed perfectly with lord Townshend, as to the propriety of raising county corps, declaring that such corps were, of all forces, the most capable of driving the country in case of necessity. He said he differed in some degree with the noble earl (of Bristol). He thought the navy the first object, and that it ought to be manned immediately; but he did not think, if we met with an accident at sea, that it was over with this country. He complained of the partiality of government respecting the offers made them of raising regiments, and

said he would speak out; that a noble earl of that House, who had served abroad, and whose name ought to procure him respect, had been raised only one miserable step in his profession (from a lieutenant to a captain) at the same time that another earl, who had never served either in the militia or in the army, was of a sudden appointed to the command of a company. He meant the earl of Chesterfield and the earl of Chatham.

The Earl of *Bristol* withdrew his motion, declaring that when he made it, he thought the Bill would not be so altered as to produce any good; but from what his grace of *Richmond* had said, he was induced to change his opinion.

The House then went into a committee on the two Bills.

June 29. The Navy Bill was read a third time, after which

The Earl of *Sandwich* declared, that although the Bill was highly necessary to be passed, he wished exceedingly to render it as palatable as possible to all their lordships; for which reason he had considered every objection which had been suggested, with the utmost attention. The objection which appeared to him to be the most urgent of any, was, that if the men were pressed out of the colliers, the city of London, and many great manufactories, would be materially detrimented. He had revolved this objection upon his pillow, and had endeavoured to discover some mode of lessening it, if one could not be hit upon, which would remove it altogether; at length he had found what, if it did not fall under the latter description, would at least, he hoped, be allowed to come under the former, and that was by an amendment, which he should offer to their lordships' consideration, and if they approved of it, it might be annexed to the Bill as a rider. His lordship then read his amendment, which was in purport, "that the Act should operate respecting the coal trade for one month only instead of five;" that was till the 16th of July, which would not be above a fortnight longer. By this favour, his lordship said, it would be clearly evinced, that his wish was to protect and encourage that trade as far as the exigency of the public service would possibly allow. In the course of his speech also he took notice, that every one of their lordships, as well as himself, had been mistaken, respecting the Act of the 2nd of queen *Anne*, stated in the Bill to exempt and pro-

tect the apprentices, &c. of colliers. That Act had long since been repealed, or rather, being a temporary statute, and passed expressly to remain in force only a limited time, it had repealed itself. The coal trade, therefore, by this amendment, would in a fortnight's time be put exactly in the situation in which it stood previous to the passing of the Bill then under consideration, and that he hoped would satisfy their lordships, and induce them to pass the Bill unanimously.

The Duke of *Bolton* contended, that though the proviso which the noble earl at the head of the Admiralty had read, was certainly such a one as he should not object to, it did not go far enough. The coal trade was of the most material consequence to the metropolis. Its very existence might be said to depend upon it. The Act therefore ought not to afford the coal trade a partial relief; it ought to relieve the masters of colliers altogether, and to exempt them from having any of their hands taken from them. He reminded the noble lord, that the 2nd of queen *Anne* which gave them protection, was passed in the course of a war. They had been in the enjoyment of that protection during several wars since, which was a clear proof, that the idea that had uniformly prevailed was, that the coal trade ought not to be molested, and that when there had been occasion to man our fleets formerly, resources were found, and the business done without going the extraordinary length of the present Bill.

The Earl of *Sandwich* expressed his astonishment that the proviso did not afford full satisfaction. He said, it was as far as he could possibly go, and if he went farther, would not every other species of maritime trade have a right to complain, and to ask why is the coal trade to be exempted from this disadvantage any more than us? His lordship declared, it was highly necessary to get men, and that immediately. Several ships were ready for sea, and wanted nothing but manning. He had been repeatedly called on to use every exertion to get out the fleet: what he had done was an exertion, and an exertion the most likely to effect the great purpose in view. All exertions were burthens upon the public, and that was in particular a very great burthen, but it was a necessary one, and every description of men must bear a part of it. From the nobleman down to the master of a collier, it must be equally shared. Add to this, if he went

farther, the service must be materially hurt, for then they must give up the men they had got from the colliers; a number of very useful and able hands, exceeding fit for his Majesty's service, and which could not be spared. His lordship concluded with desiring the noble duke seriously to consider the critical situation in which our affairs were at this moment, and the great importance of manning as many ships as possible, and then to say, whether, as a friend to his country, he wished that the men they had got by that exertion which he had risked, should be discharged?

The Duke of *Bolton* declared he was not arguing for giving up men, he was speaking of boys, the apprentices to masters of colliers. It was those by whom the vessels in the coal trade were chiefly navigated, and without them the trade was at an end.

The Earl of *Sandwich* declared, that it was men and men only that they pressed, and that boys under eighteen were not taken.

The Earl of *Bristol* was not for giving up a single man till every ship now ready for sea had its full complement. He wished, however, that the coal trade should not be robbed of the apprentices, and reminded the House, that it was the grand nursery of our seamen, and instead of being cramped, ought to be encouraged. He was therefore for introducing a clause in the Bill, by which they should be secured in having two apprentices, and not depend merely upon Admiralty protections, which might be revoked immediately after they were granted.

The Earl of *Sandwich* said, that the Admiralty went much farther in their protections of the coal trade than the noble earl had stated. Their orders to the press masters being not only to allow the colliers two apprentices, but a first mate and a carpenter. He had a press-warrant then in his pocket, signed by himself.

The Duke of *Richmond* approved of the proviso so far as it went, but declared it ought to extend to a total exemption of the coal trade. He said, that as the Bill then stood, it tended to sanctify a breach of parliamentary faith, and being retrospective, it was in truth an *ex post facto* Bill, neither of which ought to meet with the sanction of that House; he therefore argued that the date of the Bill ought to be changed, and that it should be merely prospective. His grace said, that with regard to the measures taken by the first

lord of the Admiralty, in opposition to the letter of the law, he gave him full credit for his good intentions; but unless the number of men that had been obtained in consequence of them was fairly stated, it was impossible to decide whether the end was equal to the means; he was willing, however, to agree to the only true constitutional manner of preventing the noble lord from being harassed by actions or prosecutions, and that was by a bill of indemnity, stating the breach of the law exactly as it was, and indemnifying the noble lord for his conduct. This proposition his grace urged very strenuously, declaring, that consistently with honour and justice, their lordships could not adopt any other line of action. To agree to the Bill as it then stood, would be to violate parliamentary faith, a pledge of so delicate a nature, that he did not know that any exigency, however great, could justify the breach of it: and if their lordships would but consider a moment, that the Bill by being retrospective was an *ex post facto* Bill, they surely would not sanctify a measure so contrary to every principle of justice and humanity. What occasion also was there for their lordships to adopt a degree of criminality that would disgrace them as men, and disgrace parliament for ever, when it was so easy to answer all the purposes of the present Bill in a fair, open, and simple manner? His grace begged their lordships to consider, that the liberty of the subject was materially affected by the Bill; that on that account it was a nice matter, and at that moment particularly so: in the critical situation of public affairs, it was well worth the while of government to make their measures as popular as possible; as the Bill stood, it must be odious to the public; besides, why prefer injustice to truth and virtue? Truth and virtue were solid, substantial grounds to stand on, and such grounds as every honest government would choose to make the basis of their actions. After dwelling on this point, his grace reverted to the proviso relative to the coal trade, and what the first lord of the Admiralty had said respecting the nature of his press orders; arguing that it was not enough to declare that apprentices in that trade should be secured from being pressed by either an order from the Admiralty not to press them, or an Admiralty office protection; they ought to be secured by a legal exemption. The Admiralty office might, as a noble earl had said, grant protections

one day, and revoke those protections the next day. The coal trade was admitted on all hands to be of the utmost importance both as a nursery for seamen, and as it served the town with fuel; it ought therefore to be effectually protected, and that it could not be, but by an express exemption by act of parliament; he wished, therefore, to see the words added for that purpose.

The Earl of *Chesterfield* spoke in support of the Bill as it then stood, and in favour of the Admiralty-board's remaining to hold the power of granting protections to the coal trade, and to others as they in their discretion judged it to be prudent. He said, that the very circumstance of having the power of revoking their protections whenever the exigencies of the state required it, was what pressed on his mind as the strongest reason why it was better for the public welfare, that the power should remain lodged where it now was, than that it should be taken away, and the coal trade have a legal exemption, which might at a particular crisis operate very much to the disadvantage of his Majesty's service. He called the attention of the House to the notorious want of men to man such ships as were otherwise ready to sail and reinforce sir Charles Hardy, instancing that as an unanswerable argument of the propriety of what he had just said. What the noble duke had said respecting its being an *ex post facto* Bill, struck him exactly oppositely from the manner in which it had struck the noble duke: the very basis of the Bill was its being an *ex post facto* law; and if it had not a retrospect, it would be useless; he meant with regard to the number of men that had been obtained in consequence of the exertions of the noble earl at the head of the Admiralty, exertions which did the noble lord the highest honour, and for which, if they were candidly considered, he was entitled not only to an indemnity from parliament, but to the thanks of his country. Only let their lordships see the whole case as it really stood. France and Spain were in open hostility with Great Britain, and they had a powerful fleet at sea. Great Britain was a maritime state, and her chief dependence and glory was her navy. In such a situation as Great Britain then stood in, every nerve was to be strained in order to fit out as large a fleet as we could, to cope with that of the House of Bourbon; men of all political descriptions had called upon the first lord to get out as many

ships as possible, and with all possible expedition. The first lord had boldly sacrificed his own safety, and by a breach of the law had in a great measure attained the end. This was an exertion of the first importance, and would their lordships deny the noble earl the credit that was due for his conduct? Would they do what was worse—would they suffer him to be liable to prosecution after prosecution, and enable all the men he had obtained by his exertion to procure their discharge? for such would inevitably be the consequence of not passing the Bill.

The Earl of *Bristol* went into a general examination of the state of the navy. He said, that manning the fleet was doubtless the first great object, for upon that our existence as a nation depended; the present Bill, as a dernier resort, certainly ought to be passed when properly altered, but before it was passed, it was necessary to know whether every other means had been practised to get men. No such facts had been stated; the Bill, therefore, was without that proof to support it that ought to have accompanied it. There were to his knowledge several other means of obtaining men: one was the stripping the armed vessels employed in attempting to prevent the exercise of the smuggling trade. That trade was now at an end, and the vessels he alluded to, were consequently useless. His lordship hinted at other resources for men, and said, in times like the present, every brave and gallant officer ought to be afloat. That there were men now mouldering on shore whose minds were at sea; Mr. Keppel, lord Howe, sir Robert Harland, admiral Pigot, and lord Shuldham, were officers whose breasts were fired with the truest zeal for their country's honour and interest. There was but one obstacle to their serving their country at the present crisis, and there was but one obstacle to his serving it likewise. If he could serve it consistently with his honour, he would, infirm as he was, go out in a frigate under the command of any one of the brave officers he had mentioned. Sir Charles Hardy ought to be reinforced; too much depended upon his success to put it to the smallest hazard, if it were possible to prevent it. His lordship declared in the most solemn manner, that every syllable he had uttered flowed from his heart; that he spoke as a true Englishman, and he had no other object but the salvation of his country, and the maintaining Great Britain a free and independent nation.

The Earl of *Shelburne* reprehended the Bill in very severe terms, and attacked the manner in which it had been originally produced to parliament, declaring that it was smuggled into the House by a law officer of the crown at midnight, and that from that circumstance alone he was led to suspect that its purpose was such as dared not to be avowed in open day, and could not be maintained with fair argument. He pointed out the want of evidence to prove the facts on which the Bill was founded, and drew a comparison between the measure itself, and that of the indemnity Bill, which passed respecting the embargo laid on the exportation of corn, while he was in office. He paid the late lord Northington very high compliments on his conduct, declaring at the same time, that the noble lord had been particularly severe upon him, and had thrown many obstacles in his way. With regard to the militia Bill, he said, it was necessary to declare, that these were not times in which loyalty was pre-eminent, that the King's name had not that effect upon men's minds which it ever would have, if ministers had not prostituted it in the basest manner as a cover to their weak and wicked measures, till it was almost become odious. He reprehended what he called the Tory doctrines of the day, and said, that the Tory standard must be lowered, and a Whig standard set up, if this country hoped for better success than had lately distinguished it. He would not vote either one way or another, respecting the Bill then before the House, because he saw great difficulties on both sides the question.

The Lord Chancellor answered. His lordship first laid down his argument of the preceding evening, viz. that the Acts which were mentioned in the Bill on the table, and the operation of which the Bill went to suspend, were Acts passed for the sake of public convenience and public emolument, without making the benefit of such individuals as were peculiarly adverted to in them, the ground of passing them; that consequently whenever a greater degree of public emolument and public convenience rendered it necessary, parliament had no tie whatever to prevent their repealing them altogether, or suspending their operation *pro tempore*. His lordship divided his answer to what lord *Shelburne* had said immediately respecting the Bill, into three replies, to three points, which he considered one after another. He complained also of the hard

words which the earl had used respecting the passage of the Bill through the other House, and denied it had been smuggled through it. He said another debate prevented its being introduced sooner than twelve at night, but in every other respect it went its regular stages, with the usual deliberation. In their lordships' House also it had been as fully debated as the subject could possibly require. He declared that it was to all intents and purposes a bill of Indemnity. That the noble earl at the head of the Admiralty had put himself in danger of legal prosecution by violating the letter of the law, in order, in a crisis of great public danger, to do his country most essential service; that he now came to parliament confessing his breach of the law, stating why he broke it, and desiring to be indemnified. Their lordships had too much discernment not to see the strong claims to their protection urged by the first lord of the Admiralty, and too much justice to withhold that protection; the present Bill, if passed into a law, would acquit them of their obligation, and every way satisfy the minister, to whose exertion every thing was due, that was now desired.

The Duke of Richmond and Earl of Bristol offered in the name of opposition, if the Bill were altered as they desired, to agree to it unanimously, and likewise to agree to an indemnity Bill, couched in the most liberal terms of the first lord of the Admiralty, immediately, and to pass it with all possible expedition.

On the duke of Richmond's motion to re-commit the Bill, the House divided; Contents 24; Not-Contents 50.

Protest against the Rejection of a Motion to re-commit the Bill for speeding Manning the Navy.] The following Protest was entered:

"Dissentient".

"Because the re-commitment of this Bill, which was moved, but which the House has thought proper to negative, appeared to us to be absolutely necessary for the introduction of such alterations as might (we hope) have enabled the House to concur unanimously in the suspension of those acts of parliament which stand in the way of the extraordinary supply of men wanted for equipping the fleet in the present emergency. An unanimity at this time certainly desirable; which we have shewn our readiness to produce, by offering to acquiesce in measures of considerable hardships and oppression, on ac-

count of the deplorable situation to which this country is reduced; although that situation, so far from being imputable to us, is to be ascribed solely to that obstinate adherence to a system, of which we have constantly foretold the consequences we now so unhappily experience.

"We wished, in the committee, not to have suffered the day of the commencement of this Bill to remain, as it now stands, the sixteenth of the present month; a period antecedent, by fourteen days, to the passing of this Bill; whereby it has a retrospective operation, and becomes an *ex post facto* law, contrary to every principle of justice, contrary to parliamentary faith, and contrary to true policy.

"We wished to have accompanied this alteration in the committee, with an act of indemnity for the avowed breach of the laws now in being. We offered to consent to this indemnity in the fullest manner that could be wished, although the proofs we repeatedly called for, of the extent of the benefit, were refused: proofs which we did not require to be attended with that degree of strictness which could render it difficult to produce them: proofs which in common cases form an essential part of the grounds on which the infractor of law is to be saved harmless, but which in the present instance we would have dispensed with in favour of the intention.

"We wish by no means to discourage future ministers from extraordinary exertions, when warranted by sufficient necessity, but we think it due to the dignity of parliament, as well as to the safety of the constitution, on all occasions, but more especially where the parliamentary faith has been so deeply pledged, to give to acts of indemnity all possible solemnity; that they may never come to be considered as acts of right, but as acts of the last necessity; recognizing upon the face of them the force of the law, and stating, as far as the occasion will admit, the necessity of the violation. A precedent in point stands in the statute book, the 7th of George the 3rd, chapter the seventh.

"And we can see no reason why it has not been precisely followed.

"In direct opposition to this precedent, the present Bill does not in the title, preamble, or in any part, directly mark its immediate object; it no where directly recognizes the power of the law; it no where states the necessity, nor the obtainable advantage which can alone justify the proceeding; both the violation itself, and

the indemnity it is to obtain, come only incidentally and indirectly under the last clause. It has been hurried through parliament in a most uncommon manner, and establishes a new, dangerous and most alarming precedent.

"Such an act of indemnity as was proposed, would have preserved the principle, that laws are sacred, that nothing less than the legislative power itself can protect those who infringe them, and that such protection is given only in cases of extreme necessity. The objection, that a great service already obtained, by the number of men impressed since the 16th of this month, would be lost, by their being to be discharged, if the Act had no retrospect to the time when they were seized, by no means applies to the question of re-commitment, which the House has rejected. It appeared in debate, that of the number of men pressed on this occasion, and which has not even been computed to be very considerable, by far the greater part had only Admiralty protections, and were not protected by the acts now proposed to be suspended. And it was by no means impossible but that such bounties or encouragements might have been suggested in the committee, as would have induced the greater part of those who had the faith of parliament for their security, to enter voluntarily into the service at this critical conjuncture.

"Every good purpose, therefore, of this Bill, might have been obtained, and probably a general concurrence in its support produced, by simply acquiescing in a proper security for the observance of law.

"But when we see this proposal refused, when we see that part of the preamble pertinaciously adhered to, which aims at establishing as a general principle, that whatever may be deemed an arduous and difficult conjuncture, makes it equally just and expedient to infringe law. When we see a proposed amendment for confining that reasoning to the case which gives rise to the measure, namely, the present conjuncture, rejected; we cannot but see, with a jealous eye, this and every opportunity taken of establishing some doctrine subversive of liberty, and our happy free constitution.

"At such a time as this, when ministers avow their just fears of foreign invasion, which their misconduct has invited, to create fresh jealousies in respect to that liberty which is alone worth contending for, which is the best support of his Ma-

jesty's crown, and the surest foundation of that true affection of his people, on which his Majesty can alone rely for effectual and general resistance to a foreign yoke, is a degree of infatuation we cannot comprehend!—(Signed)—Richmond, De Ferrars, Rockingham, Scarborough, Portland, Fitzwilliam, Abergavenny, Wycombe, Cholmondeley, Fortescue, Manchester, Bolton, Lancaster and Kesteven, Effingham.”

Protest against passing the Bill for speedily Manning the Navy.] On the motion, that the Bill do pass, the House divided; Contents 51; Not-Contents 20:

“Dissentient”

“Because the acquiescence of the country in the mode of impressing seamen (tolerated only because the necessity of the measure is alleged by persons of great experience in naval matters, and hitherto is not disproved) has been, by positive acts of the legislature, intercepted and determined, with respect to the several persons objects of this Bill, who have therefore not only all the rights of this kingdom in common with their fellow subjects, but the security of especial acts of parliament, made expressly to check and curb that acquiescence with respect to them.

“2. Because the protection given by such acts, in confidence of which these persons have engaged in their respective occupations, has, in my opinion, the nature of a contract, and is by every rule of equity indissoluble, except by the voluntary consent of the parties, or upon a compensation satisfactory to, and accepted by them, or in extreme necessity, on the tender of such advantages as the wisdom of the legislature should direct, and its justice should make a complete, adequate and ample equivalent for such an infringement of their rights.

“3. Because, at the very time protections thus held out by parliament to certain persons as invitations and encouragements to undertake certain services were boldly violated, the customary exemptions of certain watermen, licenced by the members of this House, unauthorized (as I conceive) by any law, and unknown to any court, though stated in the House by the same noble lord who has infringed these protections, to be constructively disclaimed by a vote of this House, were yet declared by him to be from deference and respect held sacred.

“4. Because the Bill, so far as it is an act of indemnity, is inconsonant with reason, contradicted by precedent and dangerous in practice; first, with respect to the persons to be indemnified, as it does not contain an honest avowal of the transgression, as it does not stake the minister to an intentional violation of the law for the public good, to be subsequently approved, and justified on that ground by a public indemnity, but contents itself with the abatement of suits and actions: and secondly and chiefly, with respect to the constitution of the kingdom, to which it offers no satisfaction for the violation of the law, as it acknowledges only by construction and a reference to dates, that it has been violated, as it attempts to confound the just ideas of prospective legislation by authorizing a measure from a day, which has already long elapsed, and as it totally omits to state not only that the effect has been adequate to the measure, and that therefore the measure has been salutary, but that it has had any effect whatever. And for the reasons contained in the two last paragraphs of a protest entered this day. RADNOR.”

“For the first and fourth reasons,—
PORTLAND,
ABERGAVERNENY,
DE FERRARS.”

June 30. The Militia Bill was recommitteed, and after a desultory debate which lasted till ten o'clock, the committee divided on the question, “that the clause empowering his Majesty to order the militia to be augmented to double its present number,” stand part of the Bill, which was carried in the negative: Contents 22; Not-Contents 39.

The Bill as amended was ordered to be sent down to the Commons.

Debate in the Commons on the Lords' Amendments to the Bill for doubling the Militia.] July 2. The Militia Bill being returned from the Lords materially altered, gave rise to a debate on the point of privilege.

Sir Grey Cooper moved, that the amendments be read a first time.

Sir Adam Fergusson objected to the motion on this ground, that the Militia Bill, being a money bill, the Lords could not alter a tittle of it; and therefore it would be contrary to the privileges of the House to enter into the consideration of the amendments.

Sir Grey Cooper maintained his motion to the following effect: that if the Bill sent back by the Lords with amendments was to be considered as a money bill, the objection was certainly a good one; but if the House would give him leave, he would state what he took to be the law and usage of parliament respecting the competency of the House of Lords to make amendments in Bills sent from the Commons. He observed, that in money bills, properly so called, or bills of supply, which contain a grant of money by the Commons to the crown, and which are founded on resolutions come to in a committee of supply, or a committee of the whole House, the Lords, by established parliamentary usage, have no right to make any the least alteration or amendment whatever, except in verbal errors and literal mistakes; and even in those cases, a particular entry is ordered to be made in the Journals of the Commons, why they agree to such an amendment. This, he said, was the sole and undoubted right of the Commons, who always have watched and guarded, and always ought to watch and guard, against any direct invasion, or indirect encroachment on this right. He proceeded to observe, that in all Bills which do not give and grant money to the crown, but contain impositions or tolls on the people, as road and navigation bills, and bills relating to the customs and excise, it has been resolved, and it is the clear law and usage of parliament, that the Lords have no right to alter any matter relating to the tolls or duties, either by augmenting or diminishing them, by annexing any condition or qualification to them, or by exempting any person from any part of such tolls or duties, or of varying in any respect the application, regulation, collection or appropriation of them; but that as to other matters in such bills, the Lords are competent to make alterations and amendments. Sir Grey further observed, that in bills, which are not either bills of supply properly so called, or bills of tolls and imposition, the Lords may make alterations and amendments, provided such alterations do not directly, or by implication, lay a charge or burthen on the people, or enable the crown to do an act which, when it is carried into execution, will or may lay a charge on the people; and under this rule the Lords are restrained from imposing fines, or pecuniary penalties, or establishing fees of office. These, sir Grey said, in his humble opi-

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nion, were the rules and principles which pervade the several cases and precedents in the Journals; the application of which rules and principles must be made to every case that arises, and upon the facts and circumstances which constitute such cases. He spoke, he said, with perfect indifference as to passing or rejecting the Bill in its present state; but he conceived that the Bill was not on the ground before laid down, when it went up to the House of Lords, a supply bill, or money bill, properly so called, and that therefore the Lords were competent to make amendments to it. Besides, as the amendments which they had made, did not touch or affect the charge of the militia, or annex any condition or qualification to it in the most remote degree, he thought they might be agreed to without infringing the privileges of the House. If they had made an amendment that the pay should commence, and be advanced by the receivers general, when two-fifths of the men and officers were raised instead of three-fifths, as the law now stands; if they had added any conditions to the allowance of the marching guinea, or if they had empowered the crown to regiment the volunteer companies when raised, and by that means to increase the officers, and consequently the charge on the people for paying them; the amendments and the Bill must have been rejected. The House had in some instances, in good times, acquiesced under amendments which had merely diminished the numbers in bills of service; but in this case it was uncertain and contingent, whether by striking out the mode of raising men by ballot, and leaving the power of raising an indefinite number of volunteer companies, they have or have not diminished the numbers. Upon the whole, it appeared to him, with great deference to the chair and the House, that if it was thought right in other respects to agree to the amendments made by the Lords, they might be agreed to, without danger to the privileges of the House.

Mr. Jenkinson said, that all money bills, by an order of the House, must originate in a committee of the whole House, or a committee of supply; that the present Bill originated in neither; but had been brought in as a common Bill, and that its object and tendency was to give the King a power to augment the militia, to defend the kingdom in case of invasion. This was a measure as competent for the Lords to judge of as the Commons, and unless they

[3 T]

had so amended the Bill as to make it extend in point of burthen upon the people, he did not see that their having amended it was a reason why that House should not go into a consideration of the amendments.

Mr. *T. Townshend* began with urging the necessity of preserving the privileges of that House inviolable, but thought that a hasty determination that they were invaded, before it had been seen whether they had been invaded or not, was not the best means of supporting them. He then entered into an examination of the mode of voting money for the supplies, and the mode of voting bills to authorise the particular services, to defray the expenditure of which, the supplies were granted; deducing an inference, which he thought at least seemed probable, and which was, that the two matters were divided, and put into separate bills, purposely that the Lords not having a right, without infringement of the privileges of the Commons, to meddle with a money bill, might alter and amend the other bill, authorising the particular service, to defray the expence of which the supply bill was passed. He concluded with saying, that if any gentleman seriously thought the privileges of the House were at all in danger, in case the amendments made by the Lords were gone into, it would be better to reject the Bill immediately, and to proceed to pass a new bill with as much dispatch as possible; the only inconvenience in that case would be, parliament must necessarily sit a few days longer; an inconvenience of so trifling a nature, that it was not worth a moment's consideration, when weighed against the privileges of the representatives of the Commons of England.

Earl *Nugent* rose to speak on the subject, but beginning almost immediately to enter upon the nature of the Lords' amendments, he was reminded by the Speaker that he was out of order; for the amendments, whatever they might be, were not yet known to the House, the present question being, "whether the amendments made by the Lords should be then read."

Mr. *Dunning*, in a laughable stile, complained of the hard fate which a Bill of his had lately experienced, (the Bill to prevent the sale of the office of clerk of the assize), and shewed that the Bill under consideration was just as much a money bill as the bill he alluded to; that nevertheless his poor Bill met with a most ignominious fate, for it had not only been thrown over the table by the Speaker, but

an hon. gentleman who spoke last but one, had, very much to his credit, much to the credit of the House, and much to their entertainment, indulged himself with dancing after the Bill, and kicking it out of the House. Mr. *Dunning* called the attention of the House to the nature of giving the royal assent to bills, and shewed that where a Bill was really a money bill, the language of the sovereign was, "Le Roy remercie ses bons sujets, accepte leur benevolence, et ainsi le veut." The Bill he had alluded to was opposed when it came down from the Lords, on the plea that it was referable to another bill, which was a money bill, and therefore it was contended that the Lords having meddled with it, had infringed the privileges of that House. This argument he insisted upon it was ill-founded, for neither the Bill he was speaking of, nor the Bill to which it referred, viz. the Bill to empower his Majesty to augment the judges salaries, were in fact money bills, or such bills as the king when he gave his assent to them, would think so acceptable, as to say he thanked his good subjects for the bounty "et ainsi le veut." Upon the whole of the case, he declared he was somewhat puzzled how to act; if his Bill had been properly thrown out, the present Bill ought to be thrown out likewise, because the principle of the objection was exactly similar in both cases; he begged therefore that the Speaker would favour the House with his opinion, whether it was contrary to the order upon the Journals to proceed to debate the amendments made by the Lords, or whether, agreeable to the order, the privileges of the House would be violated if they did not reject the Bill for the reasons that had been assigned?

The *Speaker* said he certainly had his opinion upon the subject, and if the House insisted upon it, he should give it, such as it was; he submitted it, however, to their consideration, whether, as they had proceeded to debate the matter, it would not be more proper for them to settle it among themselves, as they had done in the case alluded to by the hon. gentleman, which he begged leave to inform the hon. gentleman, was not exactly similar to the present, the Bill being at that time received and thrown out on the second reading, and by a vote of the House, after a short discussion of the part of the Bill which was thought objectionable.

Mr. *Dunning* raised a fresh laugh at the circumstance of the former bill's un-

dergoing a "short" debate, and said, that had he conceived the length of the debate would have had any effect towards the salvation of his unfortunate Bill, he would, with all his heart, have stood up, and spoken for five hours together, in order to have rescued it from the ignominious fate which it underwent.

Sir *W. Meredith* contended that the present was a money bill in effect, and that it was ridiculous to argue otherwise.

Mr. *Fox* said, he would take the opportunity of saying a farewell word or two to the minister for the present session. He then attacked the noble lord in the blue ribbon, on the repeated calls upon the House, which were made by those who sat near him, (when the Bill then before them was originally brought in) to act with unanimity and spirit. He stated the reception the Bill had met with in that House, every man agreeing to it, or rather forbearing to oppose it, not because they approved of it, but because they were not willing to embarrass administration when they offered a measure professedly designed to call out the national force, and to add to the security and defence of the kingdom in an hour, when the ministers themselves stated the kingdom to be in the most imminent danger of an invasion. It had passed that House unanimously, but what was its reception in the other? Where was the spirit and the unanimity which the noble lord in the blue ribbon had preached up to all gentlemen there? Were the members of the King's cabinet unanimous? Were they ready to adopt the measure as a measure of good policy, and to carry it into execution with spirit? No such thing. No two lords of the council were of one opinion; the divisions of the cabinet respecting the measure had followed the Bill into parliament. The Lord President, so far from feeling that unanimity which the noble lord in the blue ribbon had recommended, had openly declared his fears that the Bill was impracticable, and proposed a plan totally different from every idea suggested in the Bill. He begged therefore that ministers would not again have the impertinence to talk of unanimity and spirit, because he said it was impertinent and insulting to the last degree, for any set of men to recommend that to others, of which they were themselves incapable of holding out an example. Having said this, Mr. *Fox* went into a consideration of the little hope there was of expecting any good from the present

ministers, and asked where could a set of gentlemen now be found that would say they had any confidence in administration? The Bill which had been that day brought from the other House, was a proof that they were shamefully indecisive and shamefully indifferent; that so far from having sufficiently digested their measures before they came to parliament to propose them, they had not even ascertained their practicability. The opposition in the other House was chiefly made by the lords lieutenants of counties, the very persons into whose hands the execution of the Bill would necessarily devolve, and who of all men were the most capable of judging whether it was or was not practicable. He desired to know why ministers had not consulted the lords lieutenants of counties respecting it, before they proposed it to parliament, and said, if the idea of contemning aristocracy had prevailed so far, as to prevent such a necessary consultation from taking place, it was a futile and improper objection. With regard to the present remnant of the Bill which they had sent up to the Lords (for a remnant it was, and a most inefficacious remnant, the very vitals of the Bill as it originally stood, having been taken out) it was to all intents and purposes a money Bill; and to argue that it was not so, merely because it did not originate in a committee of supply, or a committee of the whole House, was the most childish distinction that he had ever heard. Did not the Bill, as originally framed, contain a clause, enabling his Majesty to augment his militia, a power which imposed a burthen on the subject, and for the expence of which their money was appropriated by another Bill, to which this especially referred? Who, then, would say that it was not a money-bill; and who would be so weak as to advise the hearing the amendments of the Lords read, when even if the motion were agreed to, it would only carry the House's a step farther, at which they must necessarily stop, and at which the Bill must inevitably be thrown out and rejected? It were better to proceed regularly; to throw out the bill then, and to begin *de novo*; the difference of parliament's continuing to sit a few days longer, was nothing in comparison of the mischiefs, of the dangerous consequences to the nation, which might ensue, if that House acquiesced in a violation of its privileges in any one instance. Having laid down this very

strongly, he recurred to his attack on administration, and said it was evident they acted better, and more wisely when they were opposed, than when they were left to themselves. That while that side of the House continued to harass them, and to throw obstacles in their way, it served as a spur to their activity, and gave them a degree of firmness, of caution, of "unanimity, and of spirit," which it was now evident was not their natural characteristic. In the present case, their calls upon gentlemen to be unanimous, had been listened to on both sides of that House, and listened to, not, as he before said, from any approbation of the Bill, but from a wish to suffer them, in one instance, to act of themselves, and to try, by giving them rope enough (he wished to God they had made a proper use of the rope) whether they were or were not capable of proposing any one salutary measure, and carrying it through parliament. The result was, a fresh evidence of their incapacity, and the manner in which the noble lord in the blue ribbon had treated the Bill in its progress through that House, as well as the readiness with which he was willing to adopt the wretched remnant of it sent down from the Lords, shewed incontestably that indifference which marked every part of his conduct. To that indifference he ascribed all the mischiefs that had befallen this devoted country, and declared that the fate of the present Bill would not be a slight one; ministers alone, however, were answerable for it, opposition, for the reasons he had stated, having no share in the responsibility; and he trusted the matter would be seen in its true light by Europe and all the world.

Lord North said, it was very true that House had shewn a degree of spirit and unanimity respecting the Bill, when he originally brought it in, a degree of spirit and unanimity which did them the highest honour; he could not speak of the proceedings of the other House of Parliament with the same degree of applause. He was exceedingly sorry that any of his Majesty's ministers, or any one member of the cabinet, should differ in opinion from him, but he could not help it. The hon. gentleman, however, was not founded in what he had asserted respecting the practicability of the measure; at least, any thing that had fallen either in that House or the other, whether from lord lieutenants, or from any body else, upon the subject, had not altered his sentiments respecting

the measure, which he now regarded in exactly the same point of view in which he had regarded it when he first proposed it in that House; he held it to be practicable, very practicable. The hon. gentleman had rested a considerable degree of the blame, which he had ascribed to him, upon the charge of his despising the aristocratic power, and thence neglecting to consult the lord lieutenants, whether they thought the measure could be put in force without alarming the country and creating great tumult, before he suggested it to parliament. Let the hon. gentleman remember, that the measure was calculated to enable his Majesty, in a time of public exigency, to call out the national force to a greater extent, than, as the laws stood, his Majesty was authorised to call it out, for the defence of the kingdom. The burthen of the measure would rest—where? Not on the aristocracy, but on the body of the people. Ought he then, as a member of that House, and one of the representatives of the Commons of England, before he suggested the measure to the Commons themselves, to go and ask the opinion of such of the lords as happened to be lieutenants of counties? He thought he should have degraded himself, and insulted that House, if he had ever taken any such step. With regard to what some of the lord lieutenants had said on the score of the measure being impracticable, it did not weigh with him in the least; there were in that House many gentlemen who served in the militia, and many of the deputy lieutenants of counties, who knew much more of the practicability of a ballot for augmenting the militia, than the lord lieutenants did, and who had all agreed, that the measure was practicable. He could speak with respect to the county of which he was lord lieutenant: in that county, the measure was so practicable, that he would have undertaken to have concluded the ballot, and got all the men, in a month; and he did not doubt but the same might have been done in every county in the kingdom. The noble lords, who had objected to the Bill in the other House, had not given proofs of the impracticability of the measure; they had argued against it, merely from their apprehensions—apprehensions lightly taken up, and, in his opinion, altogether ill-founded. The hon. gentleman had declared he repented of his unanimity and was glad the Lords had objected to it; he was sorry for it, and he hoped the hon. gentleman stood alone in his sentiments.

He wished most heartily the whole Bill had been suffered to stand; as it had not, he must take the remnant, and pick up even the crumbs which fell from their lordships' table. In so doing, he was acting consistently; the clause respecting the volunteer companies had originally been proposed by a noble friend near him (lord Beauchamp) and had, as soon as suggested, met with his approbation, as a part of the scheme of the Bill. Would any gentlemen say, that the Lords having, contrary to his wishes, taken away one part of the Bill, was a reason why he should declare himself unwilling to accept another part which they had suffered to stand, and which he had before said he highly approved? To act in that manner would betray a peevishness and petulance unworthy an Englishman at any time, but particularly unworthy him at that moment. He was far, however, from thinking, that what remained of the Bill was sufficient for the defence of the kingdom; he considered it only as a part of that defence; and being denied that sort of defence which was most constitutional and effectual, he must supply its loss as well as he could. He trusted, that those lords who had been the means of depriving government of that defence, would be the most forward in assisting government in another way; and, as they had declared themselves enemies to every idea of compulsion, would push the free spirit of the people to the utmost. It particularly became them so to do; and if they did it effectually, a great part of his uneasiness at seeing the Bill so mutilated would be removed. The hon. gentleman had said a great deal about the bad effect of unanimity; he had served his country 25 years, and on very few occasions, indeed, did he remember perfect unanimity; when those occasions did occur, he had never seen that matters were worse done than before; of this he was certain, that publishing to the world, in speeches, in protests, and in every possible shape, reasonings against government, and complaints of their measures, pointing out at the same time the weakness of the kingdom, and declaring that it could not be rendered stronger, might benefit the enemy, but could do the nation no service whatever.

Mr. Fox said, he had not mentioned the aristocracy in the manner the noble lord had stated it; nor had he repented of giving his consent to the Bill as first brought in by his lordship. He said, he

would advise the noble lord, instead of railing against protests, to do his duty to his country, to restore unanimity to the cabinet, and to adopt such measures as were less objectionable than the Bill which they were then debating.

Upon the Speaker's putting the question, the House divided: Yeas 63; Noes 45. A fresh debate then arose upon the motion for the second reading.

Sir Adam Fergusson contended that the Bill ought to be throwa out, and a new one brought in.

Sir Joseph Mawbey took the same ground, but presently quitted it to attack the minister, whom he advised to retire from office, and name his price, declaring that his country would be benefited if they purchased the noble lord's withdrawing himself from the conduct of our affairs at any cost.

Sir George Yonge said, the Bill went up to the other House a Bill of great efficacy, it came back a Bill of no consequence whatever. Sir George was exceedingly angry with the noble lord in the blue ribbon, for saying he was ready to pick up the crumbs which fell from the Lords' table, and declared such abject humiliation was giving up the privileges of that House in the most infamous manner.

Lord North perfectly agreed with the hon. baronet, that the virility of the Bill was in a great measure taken away by the Lords' amendments; a circumstance which he much lamented. His lordship explained his expression about the crumbs which fell from the Lords' table, acknowledging that the Bill, as first served up to the Lords, was a substantial repast, and though nothing but the crumbs of it came back, he said they were salutary, and worth having, when no better food could be obtained.

Mr. James Luttrell called upon the Speaker for his opinion, whether the Bill ought not to be rejected as a money Bill.

The Speaker declined giving any specific answer, but said, he conceived the House would take care of their own privileges; and the matter was then entirely in their hands.

The House again divided: Yeas 51; Noes 23.

The King's Speech at the Close of the Session.] July 3. The King came to the House of Peers and put an end to the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"The many great and essential services you have rendered to me, and to your country, during the course of your long attendance in parliament, demand my most cordial thanks.

"I have seen, with entire approbation, the zeal you have manifested for the support and prosecution of the just and necessary war in which I am engaged; nor am I less sensible of your attention to the present state of my kingdom of Ireland: my paternal affection for all my people, makes me sincerely anxious for the happiness and prosperity of every part of my dominions.

"Hitherto the events of war have afforded the court of France no reason to triumph on the consequences of their injustice and breach of public faith; and I trust, that by a spirited and prosperous exertion of the force you have put into my hands, that ambitious power may be brought to wish that they had not, without provocation or cause of complaint, insulted the honour, and invaded the rights of my crown.

"I have already acquainted you with the hostile step which has been lately taken by the court of Spain. Whatever colour may be attempted to be put upon that unjust proceeding, I am conscious that I have nothing to reproach myself with: it has been followed by the clearest demonstrations of the loyalty and affection of my parliament to my person and government, for which I repeat to you my warmest thanks; and I consider it as a happy omen of the success of my arms, that the increase of difficulties serves only to augment the courage and constancy of the nation, and to animate and unite my people in the defence of their country, and of every thing that is dear to them.

"The advanced season of the year requires that I should afford you some recess from public business; and I do it with the less reluctance, as, by the powers vested in me by law, I can have the aid of your advice and assistance within fourteen days, should any emergency make it necessary for me to convene you before the usual time.

"Gentlemen of the House of Commons;

"The various and extensive operations of the war have unavoidably occasioned uncommon expence, and brought additional burthens on my faithful and beloved people, which I most sincerely regret: I cannot sufficiently thank you for the con-

fidence you have reposed in me, and for the cheerfulness and public spirit with which the large supplies for the current year have been granted.

"My Lords and Gentlemen;

"It is impossible to speak of the continuance of the rebellion in North America without the deepest concern; but we have given such unquestionable proofs of our sincere disposition to put an end to those troubles, that I must still hope that the malignant designs of the enemies of Great Britain cannot long prevail against the evident interests of those unhappy provinces, and that they will not blindly persist in preferring an unnatural and dangerous connection with a foreign power, to peace and re-union with their mother country."

The Parliament was then prorogued to the 5th of August; and was afterwards further prorogued to the 25th November.

SIXTH SESSION

OF THE

FOURTEENTH PARLIAMENT

OF

GREAT BRITAIN.

*The King's Speech on Opening the Session.**] November 25, 1779. The King opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"I meet you in parliament at a time when we are called upon by every principle of duty, and every consideration of interest, to exert our united efforts in the support and defence of our country, attacked by an unjust and unprovoked war, and contending with one of the most dangerous confederacies that ever was formed

* A few days before the meeting of parliament, earl Gower, Lord President of the Council, resigned that high office, and was succeeded by earl Bathurst. Lord Weymouth likewise resigned his office of Secretary of State for the Southern Department, and was succeeded by the earl of Hillsborough. Lord Stormont, late ambassador at Paris, was appointed to the northern department; the business of which had been conducted by lord Weymouth, since the death of the earl of Suffolk. And the old place of First Lord of Trade and Plantations, which had been absorbed and included in the new office of Secretary of State for the Colonies, was now separated, and bestowed upon the earl of Carlisle.

For an able Summary of the state of public affairs previous to the meeting of parliament, see *Annual Register* for 1780, p. 15.

against the crown and people of Great Britain.

“The designs and attempts of our enemies to invade this kingdom, have, by the blessing of Providence, been hitherto frustrated and disappointed. They still menace us with great armaments and preparations; but we are, I trust, on our part, well prepared to meet every attack, and to repel every insult. I know the character of my brave people: the menaces of their enemies, and the approach of danger, have no other effect on their minds, but to animate their courage, and to call forth that national spirit, which has so often checked, and defeated, the projects of ambition and injustice, and enabled the British fleets and armies to protect their own country, to vindicate their own rights, and at the same time to uphold, and preserve, the liberties of Europe, from the restless and encroaching power of the House of Bourbon.

“In the midst of my care and solicitude for the safety and welfare of this country, I have not been inattentive to the state of my loyal and faithful kingdom of Ireland. I have, in consequence of your Addresses, presented to me in the last session, ordered such papers to be collected and laid before you, as may assist your deliberations on this important business; and I recommend it to you to consider what further benefits and advantages may be extended to that kingdom, by such regulations, and such methods, as may most effectually promote the common strength, wealth, and interests of all my dominions.

“Gentlemen of the House of Commons;

“The proper Estimates shall, in due time, be laid before you. I see, with extreme concern, that the necessary establishments of my naval and military forces, and the various services and operations of the ensuing year, must inevitably be attended with great and heavy expences; but I rely on your wisdom and public spirit, for such supplies as the circumstances and exigencies of our affairs shall be found to require.

“My Lords and Gentlemen;

“I have great satisfaction in renewing the assurances of my entire approbation of the good conduct and discipline of the Militia, and of their steady perseverance in their duty; and I return my cordial thanks to all ranks of my loyal subjects who have stood forth in this arduous conjuncture, and, by their zeal, their influence and their personal service, have given con-

fidence as well as strength to the national defence. Trusting in the Divine Providence, and in the justice of my cause, I am firmly resolved to prosecute the war with vigour, and to make every exertion in order to compel our enemies to listen to equitable terms of peace and accommodation.”

Debate in the Lords on the Address of Thanks.] His Majesty having retired,

The Earl of *Chesterfield* rose, and after observing on the professed intention of the Speech, which was to stimulate parliament, and through them the nation at large, to the most vigorous exertions, observed, that there never was a period when such exertions were more necessary. The motive assigned in the Speech, for endeavouring to rouse the people, was as true in fact, as alarming in its possible consequences. The Speech stated, that we were now contending with one of the most dangerous confederacies that ever was formed against the crown and people of Great Britain. Was there a noble lord present, who doubted of the fact, or that the ultimate object of the confederates was to dismember the British empire, and establish a naval empire on the overthrow of its naval power? His lordship adverted to the several leading topics treated of in the Speech; such as his Majesty's approbation of the conduct and discipline of the militia, and the zeal expressed by all ranks, to put the nation into a respectable state of defence. He instanced the uncommon activity of several noblemen and gentlemen, who stood forward in the arduous moment of national danger, and congratulated the nation on the success of their truly patriotic endeavours. He observed, that towards the close of the last session, a proposition had been made for augmenting the militia; their lordships thought fit to alter the mode of augmenting the national force, though they approved of the principle: they gave the preference to additional and volunteer corps and companies, in consequence of which, several noblemen and gentlemen had exerted a most laudable zeal, in pursuing the spirit of that law; but while he gave this testimony in favour of those individuals, he could not help expressing his entire satisfaction of those noblemen and gentlemen first alluded to, who had raised regiments for the service of the state, and of course a species of force, much more suited to our present

exigencies; because, it could be employed out of the kingdom, as well as within it, and in the defence of our distant dependencies. The militia were confined to the defence of the kingdom alone; whereas the new levies might be employed as well in offensive as defensive operations. He added, that in the space of a few months, 9,000 men had been embodied; and that the whole of the offers made to the crown, since the close of the last session, which was upwards of 14,000 men, would be fully completed soon after the commencement of the ensuing year.—His lordship took notice of that part of his Majesty's Speech relative to Ireland. He made no doubt, but that country would receive every indulgence which its deserts, and the wisdom of his Majesty's councils, might think safe or expedient, such a species of relief, as would secure it the unanimous support of his subjects of both kingdoms, because founded in mutual benefit and advantage. His lordship sat down with pressing unanimity on every side of the House, as the only possible means of averting the imminent perils which surrounded us on every side. He exhorted noble lords to reflect, that a want of that basis of national strength, inspired our enemies with confident hopes of success. A difference of opinion delivered on subjects of national importance, discussed in that House, could not be concealed; they would soon make their way out of that House, and swiftly be conveyed to our enemies. This circumstance he wished to bring forcibly to the consideration of such noble lords as might not approve of the Address in all its parts; and that for two reasons: because it would, in fact, be telling the House of Bourbon, that we still continued a divided people, and if the usual matters introduced into such discussions, namely, pointing out where we were most vulnerable, either at home or elsewhere, it might probably be productive of those ill consequences, which such warnings and admonitions might apparently be intended to prevent. His lordship then moved the following Address:

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious speech from the throne.

"The just sense we have of the blessings under your Majesty's government, and the indignation we feel at the unpro-

voked and unwarrantable aggression of our enemies, who seek to deprive us of those blessings, and threaten your Majesty's kingdoms with invasion, will continue to animate our resolutions, and redouble our efforts in the national defence. We trust that those efforts, seconded by the zeal of a faithful and loyal people, will, under the Providence of God, be fully sufficient to repel every attack, to frustrate the hopes, and defeat the designs of any confederacy that may be formed against your Majesty's crown and dominions.

"In such a crisis the approach of danger can serve only to call forth that national spirit, which always rises with the occasion that demands it, but never displayed itself in a more important conjuncture, though it so often protected the liberties of these kingdoms, and of Europe in general, and has enabled the British fleets and armies to withstand and defeat the designs of that restless ambition, which has so frequently disturbed the peace and invaded the rights of mankind.

"We are deeply sensible of your Majesty's paternal goodness, which does not confine itself to one part of your dominions, but is anxious for the prosperity of the whole, and, in the midst of your care and solicitude for the safety and welfare of this country, has led your attention to the state of your loyal and faithful kingdom of Ireland. Guided by the same sentiments which prompted the humble address we presented to your Majesty the last session, we will continue our attention to those important objects your Majesty's wisdom recommends, and after deliberately weighing the whole, will consider what further benefits may be extended to that kingdom, by such regulations, and such methods, as may most effectually promote the common strength, wealth, and interests of all your Majesty's dominions.

"Your Majesty's approbation of the good conduct and discipline of the militia, and of their steady perseverance in their duty, and the satisfaction your Majesty expresses in the conduct of your loyal subjects of all ranks, who have stood forth in this arduous conjuncture, must redouble that zeal, extend that influence, and increase those personal exertions, which have given confidence as well as strength to the national defence.

"We see, with great satisfaction, that your Majesty, trusting in the Divine Providence, and in the justice of your cause, is firmly resolved to prosecute the war

with vigour, and to make every exertion, in order to compel our enemies to listen to equitable terms of peace and accommodation. Such spirited and vigorous measures must be conducive to so desirable an end; and we humbly beg leave to assure your Majesty, that they will meet with our most hearty concurrence and firmest support."

Lord *Grantham* said, he most cheerfully seconded the Address. It stated a notorious and tremendous fact, that the House of Bourbon, on the basis of the family compact, had entered into a confederacy for the raising and establishing of their own natural greatness and superiority on that of Great Britain. He had for many years been absent from this country, and therefore could not pretend to give a decided opinion on the causes which led it into its present deplorable situation: this, however, he could say, that it was the very reverse of what he found it on his return; when he left it, it was feared and respected abroad; every part of the empire and its dependencies was in a state of tranquillity; the House of Bourbon had been humbled, and the family compact effectually dissolved. But though he could not pretend to decide on the causes which led to our present situation at home, he thought it in some degree incumbent on him to speak to facts, which came directly within his own knowledge. He would first premise, that Spain had acted a most ungenerous and unprovoked part, and from motives clearly originating in a very impolitic as well as perfidious spirit of ambition.

When he entered on his embassy, he found the family compact efficiently dissolved, and that accompanied by the most warm and confidential assurances, not only of good will and good faith on their part, but of real friendship. This was the disposition in which he met the court of Madrid; this was the spirit which manifested itself throughout their whole conduct. No alteration of temper; no change of conduct; if even a suspicion of doubt suggested itself, it was instantly done away or proved to be unfounded; in short, it was impossible that there could a more cordial confidence and good will subsist between powers in actual alliance, till a very short time before the mask was thrown off. It was not only that their assurances were founded in apparent friendship, but they even confirmed and strengthened them, by demonstrating that the interests of Spain were cemented with their favour-

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able dispositions towards the court of London, both in respect of our disputes with our own revolted subjects, and with that of Versailles. On these assurances, the only comment he was now permitted to make, was merely this, that Spain had acted a most base, delusive, and perfidious part from the beginning, or had such temptations held out to her by France, as seduced her to fly from her solemn engagements. After having made some other observations on the conduct of Spain, he applied the general reasonings and facts to the recommendations conveyed in the Speech, for making the most spirited exertions against the united efforts of the House of Bourbon. He could speak with confidence from secret information, that the family compact was, at the instant he was speaking, in full vigour. He could say more, that it was indissoluble, if not annihilated by a vigorous resistance on our part. The object was the dismemberment of the British empire, which included in it the annihilation of our naval power.

He did not mean to engage for more, nor pledge himself to the support of measures farther than as they might, in his opinion, tend to promote the great object held out in the Address, the defence and security of the British empire. He was a free man, and would continue so, resolving to act an independent part, to retain the right of approving or condemning measures, as they might arise or be proposed. He was not in this country when the revolt broke out in America; consequently he was, in a great measure, incompetent in his present state of information, to say a syllable on the subject, or bind himself to any opinion: when it properly came before him he would act to the best of his judgment. He was pretty nearly in the same state of uncertainty and indecision respecting Ireland; but as that country, which had been famed for her loyalty and obedience, her reverence and regard for Great Britain for nearly a century, came recommended so strongly in the Speech from the throne, he hoped their lordships would indulge him with a few words. He said, Ireland was the only surviving child of Great Britain; that she was almost on the point of expiring, and ought to be cherished and taken to our bosom, there by our friendly and kindly embraces and support, to be reanimated and restored to her pristine health and vigour. She was our sister, and ought to be treated with the tenderness and affection applicable to

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her weak and infant state. She was a tree, whose branches might be extended, and would afford shelter in the storms of adversity, if any such should happen; if so, surely it would be foolish and cruel, as well as ungrateful and unkind, to lay the axe to the root of that tree, which, when it should fall, would involve us in one common fate, the ruin and destruction of both kingdoms.

The Marquis of *Rockingham* observed, that the Address was of such a nature, and excited such a variety of ideas in him, that he was at a loss which of them he should select, and at the same time was totally unequal to reduce them into any form or method. This being the case, he should make no apology for not adhering to arrangement, being resolved to speak to the question, as the matter spontaneously arose in his own mind. His speech would be a desultory speech; but it would be so framed as to give every noble lord in administration an opportunity of replying to that part of it which might, in his opinion, appear to affect his particular conduct as a minister.

The noble lord who spoke last had condemned the conduct of the court of Madrid in very warm terms, for their violation of public faith, for the breach of repeated assurances; in short, for either their premeditated treachery, or their sudden departure from their original intentions. The noble lord had said farther, that he had a full confidence in those repeated assurances, and had no reason to suspect them, till the mask was suddenly pulled aside. He did not pretend to controvert the fact, or censure the political judgment of the noble lord; but this he must say, that notwithstanding the noble lord affected to be entirely a stranger to what was passing in Great Britain, and the other parts of the British empire; the people of Great Britain, several noble lords at that side of the House, and many persons out of it, were not total strangers to what was passing in Spain; they knew that formidable naval preparations were going on in the Spanish ports; that the docks were full of artificers, and their arsenals of naval stores; they foresaw, and frequently predicted, what had since happened; they imagined, and justly too, that such preparations must have had something more in view than the preservation of a respectable neutrality and the mere protection of their trade and commerce; they could never be persuaded to balance mere as-

surances against such unequivocal proofs of hostility; nor suppose that Spain, who had so many concealed claims at her heart, could forego the only opportunity she would, perhaps, ever have of asserting them with a fair prospect of success.

But waving all farther animadversion on this subject for the present, he wished to say a word or two, to shew the application of the conduct of the noble lord, and that of a noble viscount (*Stormont*) lately come into office, and who, for aught he knew, was still ambassador, or retained the emoluments of his office. That noble lord, when questioned as to his information respecting the treaty concluded between the court of Versailles and the deputies at that court from the confederated states of America, very openly asserted, that he had given from time to time, the most early information to his Majesty's servants, relative to the whole progress of that business, from its earliest commencement to its final completion. Before this explanation was given, and the noble viscount arrived, another noble viscount (*Weymouth*) not now in his place, and then in a high responsible situation, positively denied, that any account of such a treaty, either in embryo or existence, had been ever communicated to him. When, however, the noble viscount, now in high office, (*Stormont*) had stated the fact, the noble lord now absent said, he really received the information as had been stated, but did not believe it: mind then, said the marquis, the conduct of administration, as to the general principle of belief or credibility; the noble lord who seconded the Address, sent home information, which from every ground of common policy, or common sense, ought not to be credited, and was believed; on the other hand, the noble viscount, with equal appearances in his favour, farther strengthened and corroborated by actual information, could gain no credit. Such was the uniformity of conduct, and the unanimity of opinion that prevailed in the British councils at both periods!

His lordship then proceeded to comment on this versatile contradictory conduct, which directed the British councils, with its real cause, the ill-advisers and evil counsellors who surrounded the throne. He observed, that the first paragraph in the Address recognized the blessings of his Majesty's government. Was that recognition founded in truth? Was it not an insult to that House, when applied to

his Majesty's ministers? Was there a noble lord who could lay his hand on his heart, and fairly congratulate his Majesty, on the blessings enjoyed under his government? It was impossible; no bias, no prejudice, no temptation, could so far confound truth and reason, with their opposites, as to convert the very cause of our misfortunes into blessings. A vote might be procured, expressive of such an approbation, but even a vote could go no farther; it could not sew up the eyes of mankind, who would on such occasions as these, see things as they were, not as they were represented by the very persons whose power, and perhaps personal preservation, depended upon such a gross species of delusion and imposition.

It was on this account therefore, that he found himself under the necessity to move the Amendment which he meant to propose, to leave out the whole of the Address but the title; for he could never consent to acknowledge the blessings of government, in the very teeth of facts, from any motive whatever; particularly, when it substantially meant no more than a fulsome self-made compliment to the very men who had dragged the people to the very brink of destruction; and now as the last effort of their malice or their folly, were going to precipitate the nation into it, and bury them in ruin. There was a time, indeed, at which he could have congratulated his Majesty on the blessings enjoyed under his government. He remembered, when his Majesty ascended the throne of his ancestors with glory and lustre. He remembered, the continuation of the blessings of that government, which came free and unpolluted into his hands; but for the last seventeen years, he was sorry to be obliged to affirm, that those blessings had been on the decrease gradually, and the nation was at length reduced to a state, which it never before experienced, at any former period.

This was owing to a baleful and pernicious system; it was the natural effect of causes, not perhaps entirely removed from the public eye; but then it was an effect foreseen and predicted, which he ever had, and always would, do all in his power to defeat. The cause originated in unconstitutional controul and advice; the consequences were easily deducible; and the event such as might be reasonably expected. There must be new counsels and new counsellors; the sovereign must give his confidence to those he apparently

trusted, otherwise it was delusory to expect, that even new counsels or counsellors could succeed. The system must be done away: expedients might render things possibly worse, but they could never render them better.

His lordship next entered into a detail relative to the executive and subordinate part of government. As the system was wrong in its first concoction, so its effects were correspondent; it extended its influence and pervaded every department of government, from the highest almost to the lowest; it extended its influence to our officers, civil and military, particularly to those in high command. The greatest were driven from the service in the moment of difficulty and danger; the state was robbed of its best and surest defence. The great naval commanders were driven from the service; there were three or four proscribed, and the military commanders were treated in the same manner. General Gage, and several others, whose names he should forbear to mention, felt the pernicious effects of this system. But, as in the pressing moment of danger, our navy was our chief bulwark, he should be ashamed to sit in the face of the nation unconcerned and unmoved, like the noble earl over the way (Sandwich) while conscious, that his continuing in office precluded several naval officers, of the first character and abilities in the service, from standing forth in the defence of their country. From this pointed attack on the first lord of the Admiralty, his lordship proceeded to give proofs of the total personal incapacity of that noble lord, particularly in relation to the state of the town and port of Hull; the capture of captain Pearson of the Serapis, and the conduct of Paul Jones. The purport of what his lordship said was, that the town of Hull had a perfect confidence in the assurances of administration; that the Serapis and the Scarborough armed ship, were fully adequate to the defeat and capture of Jones; and that if they were not, as it afterwards appeared, they must trust to fate, and fate alone. When he first heard, that Paul Jones was on the coast, he repaired to Hull, and there found, it was true, no internal security or defence, but a most perfect reliance on the strength of captain Pearson, and a prevalent joy in the corporation and inhabitants, that the first news they should hear, would be an account of the capture of Jones, and his squadron. Jones being at the mouth of

the Humber, might have run up in one tide, so as to be in a situation to destroy the town in a few hours, and lay it in ashes; but that made no impression on the people of Hull. A few hours, however, changed the scene; for in the midst of this ideal security, the next account was, that captain Pearson was captured, and that the townsmen must of course, with the assistance of the militia, be compelled to defend themselves. On this sudden change of situation, he immediately endeavoured to learn the real state of defence the town was in; and in the course of that very curious, though melancholy enquiry, the following particulars came to his knowledge; first, that there was not a single gun mounted in the town, and that the few that were, if any fit for service, had not a single carriage. It was true, that the county of York afforded timber and materials for gun carriages; but what of that? though the carriages were made, it seems the county of York was found destitute of smiths; for after the carriages were constructed, they were sent to London to be completed; *id est*, to be finished with iron-work; and in that state, without ammunition, without carriages, without guns, and expecting every moment a visit from Paul Jones, he found himself in this dilemma, either to suffer the town to fall a prey to this enterprising free-booter, or to stretch his authority a little beyond its natural tone, by taking twenty guns from on board a vessel in the harbour. These, after many obstacles thrown in the way, and with much reluctance on the part of those who possessed them, were at length procured, and the town of Hull was put into the best posture of defence, in case Jones had returned, that the exigency of affairs would admit.

His lordship reminded the House of the part he took towards the conclusion of the last session, relative to the situation of Ireland; and observed with severity, on the part taken by the noble earl, who lately presided at the council table (lord Gower.) He begged to call to their lordships' recollection, that on that occasion, when his proposed Address stated the real situation of that country, at the time, wherein he confessed there were two passages which conveyed a kind of censure upon ministers, and the injuries which called for relief, the noble earl rose, and said, he was willing to agree with him, that Ireland wanted and deserved relief; but that it was neither proved, nor was the

fact so, that the neglect of ministers, nor the government of this country, was the cause of the grievance; but that, if those exceptionable parts of the Address were omitted, he was very ready to concur in a general address to the throne, for giving relief to Ireland. Though against his own judgment, but with the advice of some of his friends, he accepted with reluctance of the amendment. The consequence was; that an address upon a general ground was presented to the crown, with a promise, that something would be done to forward the business before parliament rose. Parliament sat afterwards for seven weeks; yet no one apparent step was taken in this business; the people of Ireland were left in suspense, the associators were permitted to grow into consequence, and what would have been then accepted as a favour, by the neglect or inattention of ministers, was now demanded as a right, not to be given up, modified, or qualified.

His lordship next turned his attention to the conduct of the American war, particularly to the tenor of the proclamation issued under the commission appointed to hold out measures of conciliation to the people of America, under the acts expressly framed for that purpose, and the powers vested in the crown for giving those acts the desired effect. He called the proclamation an accursed Manifesto, the forerunner of a war of a most horrid and diabolical nature. He would not confine himself to affirm, that it was a war contrary to the Christian religion, to the acknowledged principles of morality and humanity, much less to the very principles of the laws of war themselves, nor even to the modes of carrying on hostilities among Turkish and other sanguinary nations; but it was to the last degree bloody, malignant, and diabolical. It was a war against individuals, as well as the community. It was impolitic, because the only pretence for it was, that besides inflicting a punishment on our revolted subjects, it would tend to distress our foreign enemies; but what was the deduction? It pointed out the same mode of retaliation; the same species of predatory war, to those very enemies. It instructed France and Spain to land on our coasts, wherever they found them vulnerable, to do mischief for mischief's sake, to set fire to our defenceless towns and villages, to burn our places of divine worship, to put to death the aged, the helpless, the infant, the wives, daughters, and mothers of the

wretched male inhabitants; in short, it furnished an example, which he hoped most sincerely would never be followed by humane and enlightened nations; it encouraged military licentiousness in our own soldiery, and invited that of our adversaries; and directly led the way to the most baleful indulgence of the worst gratifications of depraved, untutored, and uninstructed human nature, under the influence of the most horrid propensities.

His lordship presumed, that the noble lord, lately promoted at a certain board (the earl of Carlisle) and whose name stood first in the commission alluded to, had been misled; he said that he could not, however, but be somewhat surprized at that appointment; it was one entirely agreeable to the system which he had pointed to. When measures that eventually led to the loss of America, were first planned under that system, it was thought proper to create a new office, in order to give the whole a greater eclat. America was now actually lost, and in the same spirit, the same system had thought proper in its wisdom, to create or renew another high office, for although America formed no longer a part of the British empire, to a secretary of state for that department, we had now added a first lord for trade and plantations.

His lordship concluded with moving the following Amendment: "To beseech his Majesty to reflect upon the extent of territory, the power, the opulence, the reputation abroad, and the concord at home, which distinguished the opening of his Majesty's reign, and marked it as the most splendid and happy period in the history of this nation; and when he shall have turned his eyes on the endangered, impoverished, distracted, and even dismembered state of the whole; after all the grants of successive parliaments, liberal to profusion, and trusting to the very utmost extent of rational confidence, his Majesty will expect to receive the honest opinion of a faithful and affectionate parliament, who should think they betrayed his Majesty and those they represent, if they did not distinctly state to his Majesty in words, what the world has seen in most calamitous and disgraceful effects, that if any thing can prevent the consummation of public ruin, it can only be new councils and new counsellors, without farther loss of time, a real change, from a sincere conviction of past errors, and not a mere palliation, which must prove fruitless."

The Earl of *Carlisle* replied to the latter part of the noble marquis's speech. The severe epithets applied by the noble marquis, to a manifesto to which his name was affixed, as the first signature, induced him to rise, and he trusted, justified him in declaring his sentiments, which were no less abhorrent to the giving authority or effect to measures of cruelty or inhumanity than those of the noble marquis. After this introduction, his lordship entered into a narrative of some circumstances, which if retaliation, contrary to the usages of war, was justifiable, it was in the particular situation he stood; nay more, where retaliation became a matter of duty, as well to prevent the destruction of friends, as the wanton effusion of the blood of our enemies. After he arrived at Philadelphia and opened his commission, it was previously determined to evacuate that place, of course no offensive operations were thought of, much less attempted; yet the poor seamen, who had been put on shore for the restoration of their health, and were willing to return aboard ship, were not permitted to do so; yet in this miserable situation, whether the men wished to be put on board, that were on shore, for the restoration of their health, or on shore, for the same purpose, they were fired upon, and made prisoners frequently, though the persons thus trampling on the laws of arms and humanity, were within the power and reach of the guns of the ships of war, to which the sick, &c. belonged.—His lordship next spoke of the moderation and clemency of the King's troops, under sir Henry Clinton, in their march through the Jerseys. His lordship passed an oblique censure upon the proclamation of general Burgoyne, who insisted, at the risk of military execution or martial law, that the male inhabitants should be spectators, and not quit their dwellings; that gentleman was not censured, that he ever heard; yet in the march across the Jerseys already alluded to, the inhabitants deserted their habitations, the country and cattle were driven, and he never heard that the inhabitants, women or children, had suffered in their persons or their property; and add to these distresses, that when the troops were actually dying with fatigue, the heat of the sun, and want of water, they found the wells cut off, in order that the soldiers should fall victims to the excessive heat of the climate. What was the consequence of these unprecedented provocations?

nothing but forbearance; no cruelties, no wanton or provoked retaliation.—His lordship then drew a line between America contending for what she imagined to be her real rights, and America allied with France. Were the two cases alike? or could America reasonably expect, that when she had rejected all offers, however equitable, she had a right to the same lenient treatment? By no means. If the raw materials of America were the return she was to make, for the succour France was to give her, to enable her to resist the constitutional claims, and reject the equitable offers held out to her, and all the other advantages which might be derived from such an intimate intercourse between the two nations, he was not backward to avow, that he thought it the first duty of the commissioners, to prevent, and if that could not be effected, to defeat and render of as little effect as possible, every advantage or convenience which might promise to be derived from so pernicious and unnatural a confederacy. His lordship defended the terms in which the manifesto or proclamation had been drawn up. Whatever impression it might have made on some minds, all he could say was, that it was well intended. It was not meant to encourage massacre or cruelty; it was solely framed to prevent both; but whatever effects it might have produced, this he could say, that he never once regretted the consequences; he was conscious of no ill, and could never think himself blameable, so long as he was persuaded, that his motives were laudable, and the very reverse of what had been imputed to the framers of the proclamation.

The Earl of *Coventry* observed, that in the course of the Speech from the throne, no mention was made of America. His lordship said he had made many prophecies of what would be the consequence of persevering in the American war, and unfortunately every one of them had been fulfilled. He lamented that a war so fatal to Great Britain should ever have been begun, much more that it should be continued with so much obstinacy, and declared, that had the House paid attention to the propositions which he the last session informed them he was authorized to make from two persons of authority and influence in America, and which, had they been listened to by parliament, would have been ratified by congress, we should have been at this hour at peace with America. His lordship earnestly exhorted adminis-

tration to abandon all thoughts of prosecuting any longer their war across the Atlantic, which, as experience might teach them, was not likely to be attended with any beneficial consequences, but would only aggravate the calamities which surrounded us, and perhaps end in the total ruin of Great Britain; for which reason he should give his hearty support to the Amendment.

Lord *Stormont* was much surprized that any thing which he had the honour to say to their lordships, should, contrary to the usual custom of parliament, be mentioned again and again in future debates, and yet be repeatedly mentioned with additional inaccuracy. With regard to his speech of last session, in which he had talked of the probable conduct of the court of Madrid relative to Great Britain and her contest with her colonies, he had argued fairly from a consideration how much it was the real interest of Spain not to interfere, and a conviction that his opinion was not confined to his own breast, but was also the opinion of many of the first personages about the Spanish court; he was at that time aware that there was a French faction in the cabinet of Madrid, who were actively at work endeavouring to persuade Spain to join France in the unjust attack upon Great Britain. He had never presumed to tell their lordships the extent of the influence of the French faction at Madrid, nor to say whether it would have sufficient effect to induce the court of Madrid to break her faith, and without the least provocation to go to war with Great Britain. Having said thus much in defence of himself, his lordship proceeded to what he termed a much more serious subject, the speech which had been made from the throne, and the address and amendment which had been moved in consequence of it; and here he begged leave to say that he had ever considered it as the custom of parliament for noble lords to confine themselves to the matter immediately under their discussion, and not to wander into a wide field of argument, upon topics which had no sort of relation to the business of the day; he therefore wished their lordships to recollect what it was that called for their debate on the present occasion; his Majesty had made a gracious speech from the throne, a speech truly expressive in general terms of the real state of the empire, and in which his Majesty called upon his parliament for their support and

assistance, at a moment when the country was threatened with invasion by the most powerful confederacy that ever conspired to attack Great Britain; the object of the confederacy was, if possible, to destroy the naval power of this empire, which had so long been its glory and the envy of all the world. On such a day, and on such an occasion, could their lordships hesitate a moment what part it most became them to act? Would they say to his Majesty, "though you tell us your danger, and the danger of your kingdom, we will not assist you;" or would they not think it more consonant to their character, more to their honour, and more conducive to the interests of their country to join unanimously in a loyal address to his Majesty, assuring him of their readiness to give him the fullest support?

The Address itself was couched in terms the most general and unquestionable that human invention could have suggested. Why, then, instead of convincing the world by an unanimous assent to it, would noble lords give the enemies of Great Britain fresh reason for renewing their hostile efforts, by leading them to imagine, that the king and his parliament were not cordial to each other, and that we were in a state of distraction at home, and therefore any attempt at conquest which they thought proper to make, would be less difficult than they might imagine? With regard to a great many of the unfortunate facts mentioned by the noble marquis, he was well aware of them, but perhaps he differed very much from the noble marquis in his opinion of the causes of those facts; so far from ascribing the calamities with which Great Britain was now surrounded, the confederacy in arms against us, or the present situation of Ireland, to the conduct of ministers, he ascribed them in a great degree to our internal divisions, and to the incautious and violent language that was too frequently held in both Houses of Parliament. The Amendment was not a correction of a few words of the Address, which he had ever considered to be the sort of amendment warranted by parliamentary usage; but the substituting of entire new matter, totally foreign to the address, and equally foreign to the whole business of the day. The amendment, instead of speaking the voice of unanimity, inveighed in the most severe manner against the conduct of the King's servants, and instead of cordially promising to co-operate with his Majesty in opposing his

enemies, suddenly called for new councils and counsellors. His lordship desired to know what was meant by new councils? The present system, it was evident from the speech from the throne, was to pursue the war with vigour: would the noble marquis and his friends have that system changed? Did they wish to have it carried on with the reverse of vigour? Would they recommend it to be followed without spirit? If not, what did they mean by new councils? There was scarcely a noble lord on that side the House on which the noble marquis sat, who had not been in one administration or another, and they had all pretty nearly pursued the same system. On what pretence, then, was it, that the amendment advised his Majesty to take new counsellors, unless upon that pretence, and for that reason, which were so obvious, that it was altogether unnecessary for him to mention them? His lordship said, that respecting Ireland, he thought the speech held out as much information as it was proper at the commencement of the session to make public; it shewed his Majesty's gracious inclinations to relieve Ireland, and it was a matter for their lordships' future discussion, what sort of relief to apply. He did not doubt but every one of their lordships would be ready to join on that topic, so that at least, they would be unanimous in one particular, that of making some concessions. His lordship concluded with exhorting the House to unite, and to forego all distinctions of party; declaring, that great and powerful as the dangers were which threatened us, with unanimity at home, we might defy the utmost malice of our enemies.

Lord *Lyttelton* said, there was not an individual in that House who had a more sincere affection for his Majesty's person, or more loyalty than he had, nor was there a noble lord present who was more ready to give his support to every measure calculated to maintain the honour and dignity of his crown and empire, than he was; but the times were critical, and required, indeed, that unanimity which was so much talked of, but seemed to be so little understood. Ministers talked of the necessity of being united, in the very moment that their own conduct was an example of the most jarring councils, and the most divided opinions; he had ever conceived that decision was the foundation, the solid basis of unanimity; could the present ministry say, that their government was decisive? What

was their government? Who could define their system? Who would be hardy enough to say, they had any settled plan? Their conduct was so changeable, and so cameleon-like, that no man could fix upon its colour. Fatal experience had shewn the futility of their late policy: America stared them in the face; it shewed the folly of ministers in a rash, a ridiculous, an extravagant, a mad war, in which it was evident success was unattainable, and which, instead of being governed by a wise, regular, and well digested plan, like their whole conduct, was merely a chain of expedients, a repetition of instances of governing and dividing,—of that wretched, that abominable policy, the *divide et impera*! What was to be their conduct respecting Ireland? He had hoped on that day to have heard a plain and explicit declaration from ministers, of some settled mode of accommodating the sister kingdom, of meeting her complaints, and applying an efficient remedy. He begged leave to remind their lordships, that the affairs of Ireland were come to a crisis: that, perhaps, was the last day which their lordships would have to debate upon the subject, the last day they would have it in their power to consider of a remedy, the last moment they would have to talk upon what was proper to be done, and to argue in what manner to apply relief; the eyes of the Irish parliament, of the Irish associations, of the whole country of Ireland, were upon their lordships; they had looked for that day with the most anxious expectation, and they would be governed altogether by the debates of it. What was said by the British parliament respecting Ireland, would determine the fate of the country; their lordships would not again hear the language of complaint from Ireland; even now, the Irish applied for relief in a different tone from what they formerly used; they did not beg it as a favour, they claimed it as a right. Let their lordships turn their eyes for a moment to the present state of Ireland, let them reflect on the crying necessities, the bankrupt state of the inhabitants, and let them reflect also on the numbers of armed men in the kingdom, men armed under associations, not in the pay of government, not even recognized by government. He had lately been in that country, and he had endeavoured to obtain an authentic account of every particular respecting these associations, and, as near as he could ascertain, there were at this time (that was

about three weeks ago, when he was in Ireland) 42,000 men in arms; if he was wrong, the noble earl in his eye (lord Hillsborough) would set him right: of these 42,000, nearly 25,000 were as well trained and disciplined as our militia, after they had been embodied a twelvemonth. He had talked with several of their officers, and he had enquired into the original motive of their arming themselves. He found at first, they did it under the idea of protecting themselves from foreign enemies; they had written to government, and desired to have some force sent into the country for its defence; government had given them for answer, "That they could not spare any force, and that they must take care of themselves." They had since endeavoured to obtain the sanction of government; but the chancellor of Ireland, (lord Lifford) and lord Annaly, the chief justice of the King's-bench, opposed it upon the true and legal principle, that such a circumstance, as men levying war in Ireland without the knowledge or authority of parliament, was contrary to the meaning and spirit of the constitution, and that, therefore, however worthy the motive of their taking up arms, and commendable their good conduct and regular discipline; however they might approve both as individuals, they could not, as lawyers, give it their approbation, neither could it be recognized by government, without warranting a breach of the constitution. His lordship enlarged considerably on this point, and called upon government to avow their principles, if this was their doctrine, declaring, that if the same fear had taken place in Worcestershire, the inhabitants of which, though an inland country, might nevertheless be afraid of the enemy, and if government had in like manner sent them word, that "they must take care of themselves," and they had come to him, (though it was most probable they would call on the lord lieutenant of the county) and asked him whether they should associate and arm themselves, he certainly should have told them "no; it is contrary to the constitution." His lordship took notice also of what had been said both in the speech from the throne, and the speech of the noble lord who moved the Address, relative to the zeal of those who raised new regiments, and had subscribed for the assistance of government, and said, he doubted not the example would have been less particular and less confined; but that such was the

wretched condition of this kingdom, and that of Ireland, that the inhabitants had little to give: the county in which he lived was as loyal and as ready to subscribe for the defence of his Majesty from the attacks of his enemies as any other, but necessity had pervaded the whole kingdom; from a rich, a flourishing, a commercial people, we were of a sudden changed to a disgraced, a ruined, a bankrupt nation; a circumstance which he imputed solely to the irresolute, the weak, and the pusillanimous, conduct of administration. In times like the present, wisdom and vigour ought to be the leading characteristics of government; not the word vigour but the reality; temporizing would do no longer; the people in general, as well those of England as of Ireland, expected a decisive administration, not an administration of jobs and jugglers; they would not be satisfied with changing the balls, and putting out this man merely to take in that; it was not enough that a noble viscount, lately come into office, was to tell them, "true, I told you a year ago that I thought Spain would not break with you, but I knew at that time of a French faction in the Spanish cabinet, though I never mentioned it." A noble lord whom he saw present had gone out (earl Gower). Why? Was it not because the noble lord could not get administration to meet his wishes, and come to some fixed rule of conduct? And yet the noble lord would not vote or speak against administration; his noble mind would not let him distress those whose company he had quitted from his disapprobation of their conduct. Administration was to the world the best instance of its own want of firmness. It was a rope of sand, crumbling away day by day, till it came to nothing. Indeed, there was one advantage gained to the public, by the appointment of the noble lord in the green ribbon to the post of secretary of state, because he hoped it would so far answer the meaning of the amendment proposed by the noble marquis, that it would give the public new councils; he meant, he said, the councils of an old, a noble, and learned lord, whom he had, from his childhood, been taught to reverence and admire, and to regard as the oracle of wisdom. He hoped the noble viscount's being appointed in times so critical as the present, to a post of the first importance, would, among other advantages to the kingdom, be attended with this essential one, that he, as well as the rest

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of their lordships, would have the benefit of the opinions and advice of the noble and learned lord to whom he had just alluded in that House, where he could not but think they were most proper to be given, and where he should always be happy to hear them. He begged the noble viscount, and all their lordships, to remember that the crisis of affairs was such that it demanded fair, open, and avowed council, no whispering, no whiffing, no skulking opinions, no opinions delivered in the closet, and disavowed elsewhere: the parliament was the great council of the nation, and in the parliament it was the duty of every one of their lordships to speak openly and ingenuously: it was not a day for disingenuity, nor the hour when dissimulation could be practised, without immediately entailing that disgrace on those who attempted it, which ought ever to be their punishment, and which they very rarely escaped; it was a time for speaking out plainly and honestly. For his part, he spoke from his heart; he spoke for the people of England, the people at their lordships' bar: he trusted their lordships would give him credit for his sincerity, and believe that he was not interested in what he said by any pecuniary motives. His wishes were to preserve his country. It was true he had a place, and perhaps he should not very long hold it.

His lordship proceeded: The noble lords smile at what I say, let them turn their eyes on their own pusillanimity, their own weak, ill-judged, and wretched measures, and then let them declare in their consciences which is most fitly the object of contempt, my thus openly and unreservedly speaking my real sentiments in parliament, without regard to any personal considerations whatever, excepting only my situation as an Englishman, my duty as a lord of parliament, my duty to my king, and my duty to my country, which are indeed with me, and which ought to be with your lordships, above all considerations; or their consenting in a moment of public difficulty and danger, like the present, to pocket the wages of prostitution, and to sit either in sullen silence, or what in my idea is still more criminal, to rise and palliate the calamitous and disgraceful situation of the British empire, endeavouring with art and collusion to avert the eyes of the nation from the threatening cloud now hanging over our heads, and so near bursting, that it behoves us to prepare how to meet the com-

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ing storm. My lords, it is our interest to come directly to a satisfactory compromise with Ireland. Cast your eyes for a moment on the state of the British empire: America, the vast continent of America, and all its various advantages to us, as a commercial and maritime people, lost, forever lost to Great Britain: the West India islands abandoned; and Ireland ready to part from us. Ireland, my lords, is armed—and what is her language? “Give us a free trade;” and not only that, my lords, but they add something more, “and give us the free constitution of England, such as it was originally, such as we hope it now continues and will remain, the best calculated of any in the known world for the preservation of freedom.” This language, my lords, is not the language of an idle mob, it is the loud voice of the whole kingdom of Ireland, who thunders it in your ears, and who will be heard. Parliament itself says—government there, my lords, as well as here, has a majority at command, but that majority dare not dissent from the popular opinion in this particular; it is therefore the unanimous voice of parliament, and through them of all Ireland, that nothing less than a free trade will content them, and that they will have it. The associations, though, as I mentioned, originally armed for the defence of their country against foreign foes, within these two months have declared that they would also hold their arms ready to be turned against domestic enemies. They are now, at least the greatest part of them, disciplined, and have not only received the thanks of their counties, but of both houses of parliament, and of the lord lieutenant, in whose printed speech you will find those thanks. Lay these matters, my lords, to your minds; consider also that these Irish associations are the Whigs of Ireland, men who detest tyranny, and execrate despotism; men who consider passive obedience and non-resistance as the slavish doctrine enforced only by tyrants, and which none but beings lost to every sense of manly feeling, and unworthy to enjoy the blessings of freedom, would submit to. They complain, my lords, of oppression; oppression has had its effect, and they are plunged into despair from the penury which it has entailed on them; they can bear it no longer, and they are ready to change their task-masters. Let me also, my lords, recite to you an expression which I heard from a gentleman in the Irish

House of Commons, and which struck me very forcibly. Talking of the situation of Ireland, her necessities, and her just rights, “We have, Sir, said he, (addressing himself to the Speaker) our back towards England, and our face towards America.” My lords, this conveys a strong impression not only of the present temper of Ireland, but of what may be her future views. It is worth while, surely, to put the matter out of doubt; meet the difficulty like men, declare what relief you will give the sister kingdom, and endeavour to regain her confidence and her esteem. Give her a free trade, let no local interest curb your generosity; be liberal with a good grace, unload her pension list, lighten her burthen, and enable her to assist you, not in ministerial jobs, not in granting convenient sinecures to men who have not done their country public service, but in great essential points and considerations of a government wisely conducted, and founded on true constitutional principles. Remember, my lords, every advantage you give to Ireland, will be a double advantage to England; open her ports, let them be filled with shipping, think of the benefits your marine will derive from it. Ireland at this hour regards the government of this country as fond of oppressing her, and unwilling to give her freedom. She wishes for a Whig administration, and expects relief solely from the establishment of measures founded in Whiggism. Do not, my lords, in times like the present, rely on prerogative doctrines, or think their influence of any avail. The licentiousness of the press may teach you how much prerogative ideas are despised and exploded; every newspaper teems with libels on the King’s ministers, which now pass as matters of course, and are multiplied in number, and aggravated in quality, beyond all example. In a word, my lords, government must renovate her system before there will be grounds for hope of better prospects; the general relaxation of manners must be corrected, authority must shew her face again, and due subordination must be restored.

His lordship, in the course of his speech, adverted to almost every topic that had the least reference to the present situation of our affairs. He discussed the nature and customs of war, applying them to the conduct of our American war, and said a nation might shew its magnanimity by its humane and generous forbearance

of cruelties, as much as its prowess and its power by conquest; that the French had in the course of the last campaign behaved with a degree of singular generosity and humanity. He took occasion also to say, that he wished every possible success to government, but he wished government would adopt such a line of conduct as should merit the support of all men. He had for the seven years he had been in parliament given them his support; he was free to correct past errors, not that he meant to retract any of his arguments respecting the legislative rights of Great Britain over America. He still remained firmly of the same opinion, but as he was convinced by experience of the improbability of attaining the desired end of the war, it appeared to him to be absurd to pursue so expensive a measure farther.

The Earl of *Hillsborough* said, he was much surprized to hear the noble lord, who spoke last, give so exaggerated an account of the situation of affairs in Ireland. He had been in that kingdom as well as the noble lord, and he believed more recently; and he had never seen or heard of any of those forerunners of tumult, sedition, or revolt, which had been so strongly described by the noble lord; he was satisfied the case was exactly the reverse; that the people of Ireland were not only loyal but affectionate: and that it was as abhorrent to their principles, as it was alien to their hearts and inclinations, to employ those arms, which were put into their hands for their safety, protection, and self-defence, in endeavouring to dissolve the ancient and constitutional connection, by which both kingdoms were knit together. It was true, the situation of Ireland was, to the last degree, miserable and distressed. The people were starving and unemployed, and measures of relief were become highly necessary. It behoved their lordships too, as one of the branches of the legislature, to co-operate with his Majesty and the other House, in giving effectual relief, not from any motives of compulsion or threat, such as had been held out by the noble lord, but upon solid and substantial grounds of good policy, and mutual benefit, further cemented by affection and kindness; for whatever measures would afford effectual and permanent relief to Ireland, would most essentially serve this country. He was nearly connected with that kingdom. He had passed a considerable part of his life there; and he had other reasons which might be supposed

to influence him in its favour, to the full as strong as those which had probably urged the noble lord to make the warm and pathetic representations, relative to the state of that country, which he had; but he spoke now as an Englishman, anxious for the interests of his country; and he protested, that he did not know a single measure of relief, which could be prudently given to Ireland, that would not prove equally beneficial to England; nor any degree of prosperity or depression which England felt, that Ireland would not feel, sooner or later. England and Ireland stood in the exact relation of two sisters, whose fate and fortunes were built on the same foundation; and he was the best friend to both countries who pointed out that relation, and endeavoured to promote union and good-will; because so long as they remained united in interest and affection, they would be able to resist and defeat the most vigorous efforts of their most formidable and inveterate enemies.

The noble lord had talked in a very violent and extraordinary strain indeed, of ministers hiding and skulking behind the throne, in order to screen themselves from responsibility. He had accepted an office of great trust that morning; he had received the seals, and he begged the noble lord would not include him, in the description of those, who wanted to hide or skulk, for he was determined to do neither. The noble lord had dwelt much on the presumed irresolution, and the constant fluctuation which prevailed in our counsels; in this particular likewise, he assured the noble lord, that the charge, whether true or false, should not be applicable to him in his new situation. He would declare his mind candidly and fairly, and support his opinion with firmness in that House, and in every other place where it might be his duty, or it was necessary to give it. The noble lord had talked much of controul, invisible influence, and the imbecility of ministers; in short, though they had the will, they were not armed with the means of carrying the measures which they approved of into execution. He for his part, doubted much the assertion, but granting it to be true, he had taken every precaution in his power to explain himself on the subject, before he accepted of the seals. He was called by his sovereign, from a private situation, to assist in his councils. He had formed his opinions, as an object of lead-

ing consequence, respecting the state of Ireland. He had imparted his thoughts, his motives, and intended conduct, to those with whom he was to act; and upon the idea of a full confirmation, and support of the crown and its servants, he consented to come into office. He wished not to be understood, as dictating any measures, or pledging himself for the result; what he meant was merely this; that such and such were his opinions, that they were approved of, and that he would wait with anxious suspense, and cheerfully abide the event, and in common with the rest of his Majesty's subjects, submit to the sense of parliament; but if on the other hand, as suggested as a general charge against government, that the conditions on which he came into place should be violated or departed from, or that a perfect good faith should not be preserved; the same motives which induced him to accept of the seals, would point out to him the propriety of retiring again into a private station; when the end for which he left it was no longer attainable, or in other words, when it would not be in his power to serve his country.

The noble lord had dwelt on the fixed determination of Ireland, not to accept of any concession or relief short of a free trade; and had quoted the address of the Irish parliament, to shew it was the united sense of the people. He acknowledged the fact to be true as a general position; but this he could say, that he had many express conversations with persons of the first rank, abilities, and influence in that country, and could never learn from them, what positive or specific notions they annexed to the idea. If a free trade meant an equal trade, he was as ready to grant Ireland, as far as it depended upon his voice, a free trade, as any man in either kingdom. It must mean that, or nothing; or a total separation from this country.

The noble lord had urged with great warmth, and with those commanding abilities which he so eminently possesses, the language used in both Houses of the Irish parliament, disclaiming any connection or dependence on this country. He could not undertake for the particular opinions of any man, or set of men, nor say what might or might not have fallen in the heat of debate, but this he could affirm, that saying Ireland was a distinct kingdom, governed by the same sovereign, and in every other political sense unconnected with his, was not constitutional language

legally true, because there was a law still subsisting passed in the reign of Henry 8, which expressly enacts, that the kingdom of Ireland shall be for ever annexed to that of England, which in other words imports that the kingdom of Ireland constitutes part of the dominion of the crown and realm of England.

The noble lord imputed it as a fault in administration, to permit the Irish to associate, and attributes the present spirit which has manifested itself in that kingdom, to the permission alluded to; and has strengthened this part of his detail, with particular facts expressive of the conduct of the associators, their motives for associating, and their ultimate resolution, in case this country should refuse to grant them a free trade. In every one instance, he believed his lordship was mistaken; the truth was, that the associations were entered into merely on motives of self protection. Several towns and districts, Belfast and one or two others in particular, applied to the lord lieutenant, soon after the delivery of the French rescript, for troops, in order to protect them from the sudden predatory invasions and landings of the American and French privateers. The former had kept up a continual alarm along the coast, in the course of the preceding summers. The lord lieutenant transmitted those applications to England, and the answer returned by his Majesty's servants here was, that it would be extremely inconvenient to spare any troops from this kingdom; that if they were spared, the general defence of the empire must suffer, and that it would materially affect our active operations abroad; and recommending to the people who were most exposed to the ravages of predatory invasion, from their vicinity to the sea coasts, to arm themselves for their own protection. This was the cause which originally brought the military associations into being, and he was persuaded, still kept them together. The noble lord said, that the associators were Whigs and Protestants; he acknowledged it, and the appellation had done them honour. They had proved themselves to be constitutional Whigs, ever ready to support the just rights of the crown, and their own liberties. They were doing so at the instant he was speaking. They were full of loyalty towards the prince on the throne; they respected and revered Great Britain; the enemies of the latter were their enemies, and the formidable state of defence and

preparation that country was in, and its firm resolution to resist the open menaces or secret machinations of a foreign enemy, proved in the fullest extent, that they were ready to sacrifice every thing dear and valuable to them in the common cause they were engaged in with the sister kingdom; their arms were pointed against the ambitious attempts of the House of Bourbon, not in meditating an act of political suicide on themselves; or one, which if the noble lord's assertions were well founded, would be fraught with ingratitude, as well as folly. Ireland could subsist really and truly free and independent no longer than she was connected with England; and he was perfectly persuaded, that a second opinion was not entertained by the Irish on the subject.

The noble marquis who moved the Amendment had pointed out the fatal consequences of the measures which had been adopted soon after the accession of his present Majesty, and had contrasted this representation with the degree of power and pre-eminence in which this country stood at the period alluded to. It was a parliamentary language he was little accustomed to hear, and therefore confessed, that he heard it with no less astonishment than indignation. Taken in the light in which it appeared, and for the purposes for which it was apparently intended, he could not avoid saying, that they were sentiments extremely unbecoming the noble lord who delivered them, as well as the dignity of that House: as the noble viscount had well observed, they were replete with invective, and were a kind of libel on government. They contained misrepresentations, and led directly to the attributing to the present administration, what if true was imputable to every other, since the accession of his present Majesty; for he did not know one which had not something to do with America. It plainly proved, that if the measures were wrong, each successive administration was liable to share a proportionable part of the blame. The Amendment recommended new counsels, and new counsellors. The counsels in the instance alluded to were professedly the same, as to the great outline in respect of asserting and maintaining the legislative rights of the British parliament over America; and as to new counsels, he did not see one noble lord present, who had not been in some one of the administrations, on which the noble marquis had passed an indiscriminate censure; for

which reason, till either their lordships came to a vote, declaring that they disapproved of the measures they themselves while in office had respectively supported, or till some men, or description of men, should arise, who had not been tried, he saw no reason sufficient to induce the crown to change its present servants. For his part, he had entered into office with some reluctance; and he should quit it with pleasure, if he could be persuaded that his resignation would be the means of introducing a set of men into power, who were likely to extricate the nation out of its present difficulties: but till he was convinced, that this would be the event of a change of system, and a change of men, he must continue to be determined by those opinions which had hitherto been the sole rule of his actions, and had uniformly prescribed to him the line of political conduct which he pursued. He had been educated in Whig principles, he had for many years acted with the Whigs, and he could fairly declare, that he had never yet deviated in a single instance from what he deemed the principles of sound Whiggism. Such being his motives, his objects, and opinions, he could not agree with the Amendment, and was ready to concur in the Address moved by the noble earl.

Lord *Lyttelton* rose, and called upon the noble earl who spoke last, to explain what he meant by the distinction made by him between a free trade and an equal trade. Did the noble earl mean this: that the customs, taxes, and excises now paid in England, should be paid in Ireland, and the benefits and burthens which came mixed to the people of England, should come in the same manner to the people of Ireland, that the whole of our debts, establishments, commerce, &c. should be equalized, or borne, or enjoyed, in a proportionate share? Without some explanation of this kind, the apparent candour, firmness, and avowed responsibility of the noble earl, amounted to just nothing; the people of Ireland would be held in an equal degree of suspense, as if the noble earl had remained totally silent on the subject. They would be in the dark as much as ever, and would have nothing to depend upon but general promises, conveyed in ambiguous and unexplained terms.

The noble earl had quarrelled with the words "free trade," as conveying no specific meaning. His lordship had even gone farther; for he said, the very people

who used the term, did not seem to understand it themselves. For his part, he thought the words were as definite as it was possible for any language to convey; a free unlimited and uncontrouled trade with any nation under the sun who chose or thought fit to trade with them. What, on the other hand, was the noble lord's phrase, an "equal trade?" If an equal trade, in his lordship's sense, meant a free trade, he could easily understand it; but if an equal trade imported a system or code of trade laws, it was the most indefinite expression that could be conceived.

But supposing he was to argue on this phrase, on the presumption that it meant an equality of taxes, how was this equality to be fixed? Not, surely, by the British parliament? that was a stretch of power or dominion which had hitherto remained unasserted. Was it to be by the Irish parliament? that would strike at the supposed dominion of this country; or were both kingdoms to treat upon equal terms? In this event, again, the supreme dominion of England would be equally affected as in the preceding instance; for it would be preposterous to say, that the relation of superior and inferior can for a moment subsist between two parts of the same empire when they come to treat upon equal terms, and claim and assert independent and uncontroulable rights.

But, putting the first supposition out of the question, that it is not intended that the parliament of Great Britain shall interfere with the introduction of taxes into Ireland, will not the following considerations immediately occur, which arise from the internal state of Ireland, and the temper and disposition of the people there at present? Are the people in a condition to pay the heavy taxes now levied in England? or if they were, is it not the last stage of political folly to presume, that they will encumber themselves with a portion of our debts, and load themselves with enormous taxes, if they look upon themselves free, equal and independent? Such an expectation is to the last degree improbable and absurd; the only measure now left, in his opinion, was to come to a direct vote on the subject, and grant Ireland a free trade. Such an act would have every appearance of generosity, and would be only parting from, with a good grace, what we were not able to retain in any other manner. This was the last moment probably we should have to grant it, and we ought not to let slip the opportunity.

It was true, England had an exclusive right to trade to her colonies and dependencies, to which Ireland had not a shadow of pretence; but what of that? Ireland, if excluded from trading with the British colonies, would most assuredly shut up her ports and harbours against the people of Great Britain; and thus we should lose more by our ill-humour than we could possibly gain. Ireland would soon establish rival manufactures to those of Britain; she would open a trade with foreign powers, and we should not only lose the benefit of the Irish commerce, but we should do worse, by throwing it into the hands of strangers, and after the conclusion of the war, into those of our present enemies. His lordship concluded with pressing the noble earl to an explanation of the meaning he meant to affix to the words "an equal trade," as contradistinguished to a free trade, because any thing short of what he had now described to be a free trade in the acceptation of the Irish nation, he was persuaded, would be rejected with contempt and indignation.

The Earl of *Hillsborough* replied, that he thought he had sufficiently explained his meaning, by the words "equal trade" and "equal advantages." As it was the most equitable mode of accommodating the claims, adjusting the rights, and consolidating the interests of both kingdoms; and as he had every well-founded hope, that such a measure would be perfectly acceptable to the Irish nation, he thought it was very unnecessary to enter farther into explanation or detail; neither was the present a proper time. A general recommendation came from the throne to the British parliament, to take into consideration the affairs of Ireland; the proper question consequently before their lordships was, Will you or will you not consider or enquire into the present state of Ireland? not about what you mean to do, before you know the nature of the disease. It was impossible to point out the specific measures which might be proper to be pursued in the course of this important business. The position he had taken the liberty to lay down, though general in terms, was sufficiently specific in its nature. It was a grant or consent that Ireland should have an equal trade. The conditions, or mode by which this equality was to be carried into execution, was another, and a very different point, and formed no part whatever of the present subject of debate. As to the associations and their

origin, he never heard that arms had been put by government into the hands of the associators, at least, to any considerable amount, though upon recollection, he believed that some were delivered, when the offer was accepted by the lord lieutenant, in consequence of the requisition and answer already mentioned. As to the legality of arming them, he did not pretend to give an opinion one way or the other; he presumed, though it were illegal, it was a measure of necessity, and might be well justified on that ground; and he made no doubt, that the most solid advantages had been already derived from it. That kingdom, though not defenceless, was far from being in a state of resistance, in proportion to its extent, and its open exposed situation in respect of France, as well as its internal weakness, in respect of forts and fortresses; and for his part, he was led most sincerely to believe, were it not for the zeal, ardour, activity, and spirited determination of the inhabitants, that France would have before now effected a landing there; in consequence of which, the country would, by this time, have felt all the calamities flowing from a foreign war, carried into the heart of the kingdom.

Lord *Lyttelton** again rose, and said, the point undecided between the noble earl and him, the noble earl had still left as he found it. If Ireland was left to protect herself, what was the inference, but that the force which she appropriated and paid for defence, was drawn forth to fight the mad Quixotic battles of Britain, on the other side of the Atlantic? consequently it was the fault of ministers, who had obstinately continued to persist in that ruinous war, after every successful attempt had become impracticable: so, that in either light, the matter came to the same point. Ministers had stripped Ireland of her internal defence, and had deserted her, and left her at the mercy of the predatory ravages of a set of French and American freebooters, which created the very necessity on which the noble earl founded their justification. That is, ministers committed one error, which producing a certain effect, that effect, or cause, as to the second measure, is set up as a general defence in favour of the latter. The noble earl says, that many benefits have

been derived from permitting the people of Ireland to associate. Be it so; but do those benefits legalize the act? On the contrary, have not the two first crown lawyers, the Lord Chancellor and lord Ananly, chief justices of the court of King's-bench in that kingdom, condemned the legality of the measure? The noble earl seems to doubt that government had put arms into the hands of the associators, except in some few instances. The fact is notoriously otherwise, and he begged once again to repeat, that the lord lieutenant himself informed him that there had been 7,000 stand of arms distributed among them. On the whole, the people of Ireland were resolute and determined, they had taken the government into their own hands, they had chosen their officers, and in some instance dismissed them, when they learned that they were not zealous in the cause of their country, or inimical to its supposed interests. The associators were composed of all the descriptions of men of property the kingdom contained, from the first nobleman downwards; and the private men, not like a common militia, consisted of respectable merchants, traders, manufacturers, farmers, &c. Indeed, the nature and condition of service was such, that none of the needy, indigent, or laborious part of the people could be included; because they receive neither uniform, pay, nor emolument of any kind whatever. His lordship entered into several other matters, re-stated many of his former arguments, and again called upon the noble earl to explain himself explicitly, or look forward to the dire alternative, a total separation of that country from her sister kingdom.

The Bishop of *Peterborough* (Dr. John Hincheliffe). The noble earl who moved the Address, and a noble viscount high in office, have exhibited to your lordships so flattering a portrait of the state, that I am at a loss to discover the likeness; I will not borrow the noble earl's expression, and call it delusive painting, but I may say that, like skilful artists, they have placed a few favourable features in a strong light, while they cast into shade every blemish and defect. It is not, however, in the powers or arts of eloquence to convince your lordships, that this country is not actually involved in difficulties, dangers, and disgrace. I will not insist on what has been so often lamented, the great expence of blood and treasure lavished away in America, to no good end whatever; nor can any man, who has the honour of his

* This was the last speech made by lord Lyttelton in the House of Peers. His lordship died on the 27th of November. See Vol. 17, p. 1002.

country at heart, find pleasure in dwelling on the late circumstances of our naval history: our enemies will take care they shall never be forgotten.

I need only call your lordships' attention to the deplorable state of public credit, the enormous burthen of taxes, which is still increasing, and while the present system of administration is pursued, must increase without measure and without end. It is to the same system that we must attribute the danger which threatens Gibraltar and our trade to the Mediterranean. To that we owe, not only the loss of the continent of America, but of those very West India islands, which at the close of the last war, in their unsettled and uncultivated state, were held forth to the public, as a full equivalent for all the victories we had gained, and all the conquests we had made in every quarter of the globe. If we turn our eyes nearer home, it is to the same cause we must impute the alarming state of Ireland. Other associations there are on religious principles, in different parts of the kingdom, which, however weak and inconsiderable they may seem in their beginnings, experience has shewn may be of the most serious importance in their consequences. In a word, my lords, it is to the measures which have been pursued, that we owe that spirit of dissention, animosity, and resentment, which unhappily not only prevails in parliament, but which pervading the lower orders of men, is publicly and privately vilifying the authority of government, and has already, in a great measure, destroyed that respect of opinion, without which no state can long remain in peace and security.

Was it my ambition merely to make a speech to your lordships, there is not a single head in the summary I have mentioned, but what affords an ample theme for declamation; raised however as I am to a situation in life far above my expectations, I have no point in view but to do my duty in it to the best of my power. I speak from conviction, and have too much respect for your lordships' dignity and wisdom, to make any other appeal, than to your good sense and your reason. I simply, therefore, state to you the effects of that cause, which the Amendment calls upon you to remove; and give me leave to say, that it is a duty which you owe to your king, your country, and yourselves, to apply a remedy to these national disorders. It must, too, be done quickly, the mortification is begun, and delay is death. Bad,

however, as our situation certainly is, God forbid that your lordships should yet despair of your country's salvation. It is a circumstance on which I must congratulate this House, that we have heard from a noble lord high in office, that new measures are already determined on with regard to Ireland. Were they likewise adopted at home, and extended to America, there is little reason to doubt but that our enemies would be prudent and moderate enough to grant us an honourable peace; if not, I trust that under God's blessings on the national spirit, they might soon be obliged to ask it.

The Earl of Shelburne entered into a state of the nation, respecting its internal condition, the future prospects which presented themselves, some at a greater distance and some nearer; and took a retrospective view of the occurrences of the last summer. He said he could not help, in this early part of his speech, expressing his hearty concurrence in the Amendment moved by the noble marquis, and the leading object to which it was directed; new councils, and new counsellors. It was a transcript of what had been delivered in writing, by an illustrious and consummate statesman, not long since deceased (the earl of Chatham) in a correspondence which made its way to the public eye. [Sir James Wright's attempt to bring about a secret negotiation between lord Chatham and the earl of Bute.] It was the noble earl's sentiments for many years past, expressed upon various occasions; he heard them often, and he believed that during the last conversation he had ever the honour to hold with the deceased earl upon the subject of public affairs, the noble earl urged the necessity of new councils and new counsellors, in very anxious and warm terms. Indeed that necessity was so glaringly apparent at this period, that he that day might read. Our councils grew every run from bad to worse; but they had at length arrived to the last stage, the worst of all; and it might be confidently said, that the next change, be it what it might, must be a change for the better. The system which had led us into our present difficulties, though the fixed principle was the same, the fatal consequences it brought with it in its train, varied in quality and extent, and were now arrived at a crisis, that must shortly decide, he feared, the fate of this country. The speech from the throne contained in itself a complete epitome of the whole system.

The affairs of Ireland, which had furnished so much matter of conversation in the course of the debate, afforded a subject of the first importance. He begged leave to remind their lordships of the part he had uniformly taken in that House, respecting the state of that kingdom. He had often delivered his sentiments on the subject. He should not now repeat or restate what they were. The opportunity was passed, never again to be recalled. What Ireland was, he ventured to assert she would never be again, a dependent nation, imploring relief, and exciting pity in the heart, of every man who had a heart to feel for misery and oppression. He wished to pass over this subject, it was a melancholy one; other prospects opened to the view of that insulted and oppressed country. While he said this, he could not help declaring his own particular sentiments, which he begged leave to assure their lordships arose solely from a mutual regard for both the countries, which could be founded, in his opinion, only in a reciprocity of interests; for he was free to say, that local advantages, or partial benefits, would in the end be found destructive of the views of either kingdom; and it was with much concern that he heard any expression fall from the noble lords, which might admit of an interpretation, indicative of national prejudices, or promoting partial interests.

The noble lord who sat next him (Lytelton) had opened his speech with great candour and distinguished abilities, respecting the state, condition, temper, and disposition of the kingdom of Ireland, from which he had recently returned. By the tenor of his speech, and his particular assertions, the industry he had exerted in order to make himself fully informed upon these particular points, all which were further confirmed by the addresses of both houses of parliament of that kingdom, and private communications received by himself, had done his lordship great honour. He was firmly persuaded, that the Irish nation would not be satisfied with any concession short of a free trade. The noble lord who came that day into office, and who partly avowed himself to be the minister by whose counsels the affairs of Ireland were to be more particularly administered, had not attempted to invalidate what had been urged by his noble friend: but seemingly acquiescing in the propriety of the claims of Ireland, took up a distinction, by saying it was the wish of the King's

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ministers, to give Ireland an equal trade. His noble friend, conceiving the distinction to be equivocal, pressed the noble lord to explain what he meant; and in a masterly manner, pointed out the difficulties which must arise, to obstruct the carrying into execution such a measure, if the words "a free trade" meant any thing more than a mere delusion, in order to quiet the minds of the Irish, and allay that ferment which had been raised; by the disgraceful neglect of ministers, in not applying timely remedies, to soften the immediate malignity of the distemper, and gradually to remove it. But what was the conduct of the noble lord who was thus called upon in the most pressing terms? Nothing more than a repetition of the same equivocal expression could be extorted from him—an equality of trade and a communion of interest—without pointing out in what that equality was to consist, and of course what was the basis on which the interests of both kingdoms were to rest or be united. He was sorry to perceive such a rooted disinclination in the King's servants to any thing which bore the most distant appearance of sound, specific, and healing measures.

Much had been said, respecting the Irish associations and associators: it was a subject upon which he did not wish to dwell. The history of their rise, progress, and effective strength, might be gathered from another history, that of the conduct of administration here. The accursed American war was the favourite measure of administration; every other object of national security was sacrificed to it. Ireland was stript of its own proper military force. It was not enough for ministers to draw forth the interior defence of that country, which from many local causes required the hands of government to be strong, and competent to quell particular temporary disorders peculiar to the country, by aiding the civil magistrate in the execution of the laws and preserving the police; but even the coasts of that kingdom were left defenceless, and the principal marts and places of commerce were left to the mercy of American freebooters and French privateers. The former had frequently, in the course of the summer of 1777, appeared off their coasts, and spread an alarm from one end of the kingdom to the other. When France leagued herself with America the last spring but one, the apprehension of the people there rose in proportion to the

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probable increased danger and change of circumstances. Robbed or cheated of their own defence, they naturally applied, through the channel of their viceroy, to the English ministry; and what was the consequence of that application? Why, the noble lord that day come into office, however unwilling to come to facts, confirmed every thing that had been urged by the noble lord near him; and with great fairness pointed directly to the origin of those associations, by acknowledging the only effect or consequence of this application was shortly this: the noble lord now come into high office tells your lordships that the answer of the British cabinet returned to the people of Ireland, in two or three instances, in the first particularly, through the channel of lord Buckinghamshire, was, that government could afford them no protection; that they must defend themselves; and in order to enable them to do so, that arms would be shortly put into their hands for that purpose. What followed called, indeed, for very few words; arms were put into their hands; they associated for their own defence; the spirit of association spread itself through every rank whose ability would admit of entering into such a service, upon the conditions of serving without pay or other emolument. This was a circumstance that loudly demanded their lordships' serious consideration, because it would undeceive them in one most important point; it would convince their lordships that in the first instance the government and parliamentary dominion, if any such ever constitutionally existed, had been openly abdicated; that the people in general resumed at least that part of it which was established for their military protection; that throughout the whole progress, and in the different stages of that alarming business, what happened was no more than the natural effects of causes well known and acknowledged by administration itself; and that the present state of Ireland grew out of the several repeated and successive circumstances now lightly recapitulated. It had been industriously propagated, that the views of the people of Ireland in associating, from the beginning, had, as in the case of America, been directed to the great object they are now contending for, a total independence upon the government of this country, and a free trade. The rank falshood of this general charge was fully refuted by what appeared from

the facts already mentioned; but those who reason in this manner confound the cause with the effect, or rather conclude upon the present appearances of things in that country, without wishing to look to what led to and generated them. Whatever the intentions of Ireland were, she now demands a free trade as a matter of right, which is in effect, say they, declaring herself independent! She is armed, and is determined to resist the claims of this country, in case of refusal. This was a most fallacious mode of reasoning, and was no less contrary to fact than fair inference. The people of Ireland were a sensible and generous people. As a generous people, they would scorn to take advantage of the distresses of this country; as a sensible people he could never be persuaded, that they wished to disunite themselves from Great Britain, or to promote a separate interest; because they must perceive that their own strength and prosperity would intimately depend upon those of Great Britain. For his part, he thought their interests were inseparable, and their views and expectations, when properly considered and wisely directed, the same.

Though much pleased with what had fallen from the noble lord near him on the subject, he had an opinion of his own, which it particularly behoved him to declare before he sat down, which was with respect to the temper and conduct of the associators. He spoke from experience, so far as it was a matter of personal concern of his own; and he spoke from good information, and such as he could depend upon, on the subject, as a matter of public concern. Respecting himself, he could affirm, that he had a considerable property in that kingdom, and that since the associations took place, it had been better protected than for some years past; and he had, in consequence of the order and internal regulations which the persons associated had introduced and carried into execution, received more remittances, and had been more punctually paid his rents, than for many years past. The other matter he alluded to was connected with the foregoing, or rather grew out of it, which was, the peace and tranquillity, and the whole of the police, that has taken place in that country within the last eighteen months, which has not been equalled, at any former period since the accession of his present Majesty. He had not fixed his residence in this country

till after an age which gave him an opportunity of knowing something of the genius and temper of the people with whom he passed a great part of his juvenile years; nor resided so long in England, without forming some estimate of the disposition of its inhabitants. From his experience of both, he was enabled to say, that the English were a humane and a brave, and the Irish a generous and brave people. The latter might be more violent, and, perhaps, naturally more sanguinary in their resentments than the former: but all things considered, he was authorised on his own judgment to affirm, that they were equally averse to any measures which might involve in them scenes of blood, the constant consequences of civil war.

His lordship said, that however melancholy an appearance the affairs of Ireland might have, he believed in his conscience, that there was another circumstance, which, though apparently inferior to the former, would be even more fatal in its consequences than the presumed defection or resistance of Ireland; that was, the probable loss of Jamaica, in the event of our enemies making a landing on that island. If any accident should cause that kingdom to disunite itself from this, or a separation between both kingdoms should be the consequence, it would prove no more than a temporary separation, and both nations would again return to their former good temper, good humour, and sisterly affection: but Jamaica once lost, would be for ever lost; and as he had received accounts of the most authentic and alarming nature from that island, he thought it a duty he owed to their lordships, and the public at large, to state some leading particulars which had in consequence of those communications come to his knowledge. He understood the state and internal condition of Jamaica to be this, both in respect of the temper of the people, and its internal defence: the governor, supported by the council, had made himself very obnoxious to the house of representatives, and the whole body of their constituents. There were many reasons assigned for these discontents; but he should confine himself to one in particular which gave great offence, that was a proposition for arming the negroes, and by that means rendering them, at least *pro tempore*, free and upon an equality with a white man. This was looked upon as a precedent not less im-

politic than hazardous; impolitic, because it would tend to inspire the slaves with ideas productive of disobedience, dissatisfaction, and revolt, at a future period, when they found themselves obliged to return to their former condition. It was a wanton attack on the property of individuals, and if adopted, would answer no good purpose. It was dangerous, because the instant the slaves found arms in their hands, who could promise, that the very first use they would make of their weapons, would not be against those whom they were purposely armed to assist and defend? The house of representatives, or assembly, fully weighing these points, and urged by other motives, rejected the proposition, which had created an ill-will between the legislative powers of the state, and produced many marks of jealousy, enmity, and bad temper, which portended the very worst effects.

The next point was, the state and disposition of the army and militia. The army, in the first instance, consisted of the following regiments or corps. The Liverpool blues, who on their embarking at Spithead consisted of nearly 1,200 men, were reduced by fatigue and the ravages of the climate to about 750 men. The first battalion of the royal Americans, which, if complete, ought to consist of upwards of 600 men, were reduced to little more than 200; Dalrymple's Irish corps were about 340, and a detachment from another regiment, including the artillery, about 200; in all, about 1,500 effective men; the militia 4,000, and the whole force considerably short of 6,000. This was not all: the military and militia had disagreed, and on some occasions refused to serve with each other; some of the militia officers had resigned in disgust: in short, what with the internal divisions among the people, and the disagreements just mentioned, with the inadequacy of the force itself, such a picture of radical civil weakness, and want of effective strength, was presented, as ought to alarm their lordships in the highest degree, for the fate of that very valuable island; the first in point of importance to this country, after Ireland, of any of her numerous dependencies.

But if such were the civil broils, such the military, and such the want of force, by whom was this army to be commanded? Who was the first? Who was the second in command? Why, an unpopular governor, and a deputy governor. As to the

first, he believed, that the fact of his unpopularity was hardly to be doubted, from the circumstances which he adverted to. Well then, in case of death, or other accident, the command, said he, your lordships may presume will devolve on the deputy governor. Who is the deputy governor? I will tell your lordships who he is, and the manner he employs his time. The lieutenant governor is, my lords, a lieutenant. col. Smith, now in London. The military history of this gentleman is worthy of notice, so far as it points out the powerful patronage with which he is favoured by a noble lord in the other House (lord G. Germain.) This gentleman, not satisfied to enjoy the pleasant consequences arising from leave of absence in his military line, was appointed lieutenant governor of Jamaica, through the interest of his noble patron; but has never yet set foot on that island, and the best part of the business is, as I have been informed, now performing by a master or captain of a ship lying in Port Royal harbour. But, my lords, the matter does not end here: though the gentleman does not pretend, I believe, to undertake to be in two places at the same time, another duty which he has engaged to perform, would imply something very like it; for as he could not act as second in command in a place at 3,000 miles distance, which if not actually invested, is hourly threatened with an invasion, he thought that such a thing could be done much easier when nearer home; in consequence of which, I understand that he discharges the duty likewise of lieutenant governor of the Isle of Man, where, I am informed, no lieutenant governor had, since the island formed part of the dominions of the crown, been appointed before. Such is the influence of his noble patron; such is the manner that the most pressing and important services of the state are discharged in exigencies of the greatest moment; and such are the objects of favour and patronage under the present administration!

His lordship slightly touched upon the loss of Dominica, St. Vincent's, and Grenada, which bore every appearance, he said, of treachery, as well as folly and neglect. It was of very little consequence to the nation, whether the dominions of the crown were really ceded by private treaty, or left in such a defenceless state as first to invite the attack of an enemy, and when the attack should be made, to render any kind of resistance no better

than an ineffectual effort of temerity and despair. Among several other instances he selected the following, to prove that this general charge was not ill founded. The transports with the troops from New York, destined for the attack of St. Lucia, escaped but by a single day falling into the hands of M. D'Estaing; and if admiral Barrington had not committed a breach of orders, by coming to assist in the reduction of that island, in either event the detachment under general Grant, destined for that service, must every man of them have been made prisoners; and even as it was, if it had not been for the uncommon skill, bravery, and cool resolution of admiral Barrington, his inferior squadron, as well as the troops then engaged in operations on the island, must have all submitted to one common captivity. He passed the highest eulogium upon the conduct and military character of that gallant commander, and lamented that the services of such a man should now be necessarily withheld from his country. But as it was its misfortune to be cursed with such a ministry, acting under such a system, so it was to be lamented that every man of professional ability almost in the nation had, by the intrigues and blunders of those who composed administration, been driven from the service.

His lordship seemed to censure the conduct of general Grant greatly, for remaining inactive at St. Lucia for so many months, which island, he understood, proved a kind of grave to one half almost of a body of the finest and best disciplined troops in the world, and that just in the neighbourhood of those islands which our enemies possessed themselves of, St. Vincent's and Grenada, which once formed part of the dominions of Great Britain, but now, he feared, would for ever be annexed to France: whereas if the force under that general's command had been properly distributed among the islands which were most unable to defend themselves, both Grenada and St. Vincent's would most certainly be in our possession at the instant he was speaking. He did not mean to throw any direct censure, or make any specific charge on the conduct of the general whose name he had mentioned. He spoke not upon any particular information, and judged merely from appearances; but till he was better informed, which he hoped their lordships shortly would be, he must continue to think the general's conduct very extraordinary.

His lordship recurred to the system of government which had been gradually forming since the accession of his present Majesty, and he feared was now finally established. Ministers were no longer responsible; for notwithstanding the firm assurances and assertions he had heard from the noble earl that day come into office (Hillsborough) and the noble viscount in the green ribbon (Stormont) some short time called into his Majesty's councils, he heard nothing sufficient to induce him to change his opinion. The noble earl talked of an "equal trade;" the noble viscount of "some concessions;" Did not these two phrases stand in direct contradiction to each other, and both to the claims of Ireland? If the noble lords were sincere, it furnished an additional proof that they had introduced division into the cabinet the very moment they entered the door of it; it shewed that responsibility, as far as it related to individual opinion, was a fallacy; and that either the noble lords had been imposed upon themselves, or had endeavoured to impose upon that House and the nation, by holding out a mock delusive responsibility to the nation. Suppose, for instance, that "some concessions" were to be made to the people of Ireland; would that meet the ideas of the noble earl? or would he undertake to be responsible for quieting the people there, when his lordship was persuaded that nothing short of "an equal trade," which they were, in his opinion, entitled to, would effect so desirable a purpose. On the other hand, should the noble earl's ideas correspond with those of the cabinet and parliament respecting an equal trade, where would then be the noble viscount's responsibility, when his opinion extended no farther than "some concessions"? What they said, therefore, could not be the language of the cabinet, because, if the measure was already decided there, it must have been uniform and correspondent; if it was not, it amounted to no more than the particular opinion of an individual lord, on which Ireland, it was evident, could not safely rely. The noble lords, it was plain, had been desired to hold the language they respectively did; and that was all that was required of them: they might therefore well talk of responsibility; for the worst that could befall them was, that after the favourite point was gained, that of creating a delusive confidence in the people of Ireland, all they had to do was to make a formal resignation; and there

would be an end at once to their promises and responsibility. The system of secret advisers would continue in full vigour, and other persons would be selected to do the next dirty job, which the devisers of this baleful and accursed system wished to carry into execution.

For his part, he saw no prospect of redress, or of the dissolution of that system, till parliament ceased to support every measure indiscriminately which came recommended by the servants of the crown. The same ruinous effects must continue to accumulate, till parliament should once more resume its inherent and constitutional functions, that of judging of the conduct of ministers through the medium of their own understandings, by learning to see with their own eyes, and not through the false medium of party views and strong recommendations, which should never come from that quarter whence they were supposed to originate. The present struggle in parliament was not a struggle for power, places, and emolument, he would add, perhaps on either side of the House: the true question, then, for their lordships to decide was merely this: has the nation been well served? Is it likely to be better served? If not, it behoved their lordships, as the great guardians of their own honour, and of the nation at large, to take nothing upon trust; to examine into the causes of the present calamitous situation of their country; and endeavour to adopt some plan, suited to their wisdom and integrity, in order to amend and set right, as far as lay in their power, what has been already wrong, and avert the accumulation of still perhaps much greater evils.

Lord Townshend entered into the affairs of Ireland very fully; spoke much of their loyalty, and their attachment and affection for this country. He said, they deserved every attention and indulgence which could possibly be shewed them. At a time when their trade was rather on the decline they increased their military establishment, in order to increase the force of the empire, and strengthen the hands of government. Their seamen and soldiers had contributed to the victories of the late war, and to all the preceding wars since the Revolution; and since America was lost, for he was free to say that the ability of this nation was totally inadequate to coerce that country, he most earnestly recommended to their lordships and the King's servants to adopt some speedy, effectual, and specific measure,

which might promise to give the people of Ireland immediate relief. The moment was critical, and whatever was done should be done speedily. He was of opinion that the American war, however necessary in itself, or practicable at the commencement, had become, through mismanagement at home, and adverse incidents abroad, totally impracticable. On this ground he would urge, and wished strongly to impress this important consideration on their lordships' minds, supposing that we should not give full content and satisfaction to Ireland, and that no such consequences as had been predicted by the noble lord who spoke early, or the other noble lord who had spoke last but one, relative to resistance, a claim of independence, &c. yet this would most certainly happen: Ireland, cramped in her industry, without employment, and actually unable to stand up under her oppressions, would become a burden to this country. Her inhabitants would, in quest of freedom and an unshackled trade, emigrate in immense numbers to America, and carry with them their manufactures, which, though not arrived at the state of perfection which they were brought to in this country, were far from being in such a state of infancy as many of their lordships might be led to imagine. His lordship said some pointed things against administration about the waste of public money, and the ineffectual uses to which it was applied; and concluded with declaring, that he knew of no expedient which would relieve us out of our present difficulties, but granting immediate and substantial relief to Ireland, and getting rid as soon as possible of the American war.

The Earl of *Effingham* recapitulated the various measures taken respecting the American war, in its several stages; reminded their lordships of the predictions which had repeatedly come from the side of the House on which he had the honour to sit; and of the uniform completion of the predictions alluded to. He would not have troubled their lordships with matters which he had every reason to suppose they had a perfect recollection of, were it not that scarcely a day passed in which some former prediction was not fulfilled, or that the circumstances of the times did not furnish occasion for making some new one. That was the exact state of the present day. America was not so much as once mentioned in the speech from the throne, which he was authorised, by the

rules of parliamentary debate, to consider as the speech of the minister. But let the speech be fabricated in what manner it might, he was persuaded that the subduing America was the favourite object and tendency of it. This country was not equal to that task when Great Britain and America contended single handed: she must have been less able when allied with France. At the opening of the last session this argument was forcibly urged, and pushed still further, on the contingent possibility that Spain would throw her weight into the scale. That event had taken place a few days before the House rose; considering all circumstances, therefore, the bad success of the last summer, both in North America and the West Indies; the alarming inferiority of our fleet to that of the combined squadrons of the House of Bourbon, aided by the increasing marine force of America; he would submit to their lordships if there was one of them would rise, and laying his hand on his breast, say, that the American war held out the most distant prospect of success? Or that he believed in his conscience that acting against such a superior force, and labouring under such a load of complicated disadvantages, we should ever be able to prevail in a contest with France, Spain, and America. On these grounds of impracticability, as to the probable subjection of America, and to the concealed though discoverable intentions of prosecuting that war, which he perceived in the speech from the throne, he highly approved of the Amendment.

The Duke of *Richmond* stated shortly the present calamitous situation of this country; and wished to believe that the despised and humiliated condition it was fallen into was more the effect of ignorance and incapacity in ministers, than any settled determination to betray the trust committed to their charge. His grace pointed out a variety of circumstances, in proof of the charge of ministerial incapacity; from which he drew this inference, that the councils and counsellors of the kingdom, according to the purport of the Amendment, must be changed. These general reasonings he applied particularly to the management of two official departments, the naval and military, to the misconduct of which he attributed all the misfortunes and disgraces which had befallen us, considering the latter as originating from a cause equally fixed and operative; fixed, because the first lord of the Admi-

rality, be his delinquency ever so great, his errors ever so gross, his fallacies ever so palpable, was certain, at all times and upon all occasions, of being protected from censure and punishment by a great majority in parliament.

After having stated the two principal points he meant to speak to, his grace proceeded to apply them personally to the real objects of his censure. The first lord of the Admiralty, as well in respect of the importance of the naval department over which he presided, as the particular administration of the business arising in that department, claimed his first attention. He confessed his astonishment, that the noble earl was not ashamed to stay in office, when every day's experience afforded fresh proofs of his total unfitness for that important station. He, indeed, ought to be ashamed to continue in a situation, in which he must stand between the endless mischiefs which were suspended over this devoted country, and its salvation; and when he must know, that by keeping his post he deprived his country of the only means, under God, which could rescue it from the inevitable destruction which seemed to await it,—that of keeping some of the most distinguished naval characters England ever could boast of, from offering their services. He did not wish to enter into particulars, but he could not avoid mentioning the names of a Keppel, an Howe, an Harland, a Pigot, and a Barrington. The truth was, that those great officers were determined never to serve under his lordship; and that, if no other reason existed, was a sufficient motive for his lordship to resign.

His grace reminded the noble lord of the cause of the nation being plunged into all the dangers of a foreign war, waged by a superior enemy, which was his lordship's confident assertions, in reply to many noble lords, who, upon various occasions, had suggested their apprehensions of both a French and Spanish war. What on these occasions was the uniform answer of the noble lord? "That any first lord of the Admiralty, who had not always in readiness a fleet equal, if not superior, to the House of Bourbon, ought to lose his head," or, "no minister was fit to preside at the Admiralty-board, who should not have a fleet ready at all times, equal to cope with the united fleets of France and Spain."

He did not wish to shew the fallacy of this assurance in regard to remote events; but to apply it to the transactions of the

last summer. Had the noble earl performed his engagements to that House and the public in the course of the last summer? Was sir Charles Hardy superior to the combined fleets of France and Spain in the Channel during the last campaign? On the contrary, was not he shamefully inferior? Did not a British fleet, in the sight of their own coast, fly before an insulting and triumphing enemy, and were there not circumstances of humiliation and disgrace attending that flight, which must fill the breast of every Englishman with the best founded resentment against the authors of it? Was not the Channel deserted by sir Charles Hardy, and Plymouth left at the mercy of the enemy? and when the admiral at length endeavoured to pass by the enemy, did not he fly from them, and by so doing, leave an indelible disgrace upon the British flag? Did not the same admiral, (he presumed, in obedience to the instructions given by the Admiralty-board, or from the King, by the advice of his confidential servants, for he by no means meant to insinuate any thing personal against the commander of the grand fleet) delay his going to sea so long, that it was not afterwards in his power to prevent a junction between the combined fleets? He did not leave Spithead till after the French fleet had sailed from Brest; and when he did sail, what did he do next? He sailed to Torbay; and, as if his instructions meant to prevent a possibility of success, in defeating a junction of the French and Spanish squadrons, he remained at Torbay and the mouth of the Channel, till the French might have reached Ferrol, and the combined fleets have appeared off our coasts before he cleared the mouth of the Channel. What was next done? Instead of staying in the Channel, where after the junction had been effected, or was likely to have been effected, without a possibility of prevention, what did he do? He deserted the Channel for upwards of five weeks; and when he did return, he returned only to exhibit a spectacle never before recorded to have happened in the English annals: he fled before a pursuing enemy, by gradual progresses, from the very mouth of the Channel to Falmouth, Plymouth, Portland, to St. Helen's; and as if an universal panic had seized the whole fleet, he did not look upon himself safe, till by the aid of the next tide he found himself safely moored at Spithead.

His grace proceeded to take a view of

the conduct of our operations on land, in point of preparation, in case our fleet should meet with any disaster from the confessedly known superiority of the enemy. This part of his speech, he gave notice, would particularly and personally affect a noble lord, now in his place (Amherst) to whose professional abilities and general character, he was always inclined to pay every possible degree of respect; but whatever prejudices or impressions might have been made on his mind, his duty prompted him to speak out. He hoped the noble lord at the head of the army, would be able to give full satisfaction to the House, relative to the state of Plymouth, the time the combined fleets appeared off that place. Frequent and strong warnings had been given in that House, in the course of the last eighteen months, of the importance of that fortress, both as the land and marine key of the kingdom, and still, if possible, more so, as the second naval arsenal in the kingdom, and one of the places where, probably, one third of our naval stores, and the materials from which future navies were to be built were deposited. He did not wish to insinuate that the noble lord had not attended to the peculiar circumstances which he alluded to, and the vast importance of the place: he only alluded to them in this manner, to bring to their lordships' recollection, that the security of Plymouth, and the necessity of putting it into the best state of defence possible, had frequently furnished a subject of conversation in that House. The subject called for their lordships' utmost attention, not in regard to what happened, the danger was passed for the present, but what might hereafter happen. It was, therefore, become highly incumbent, after what had gone forth, for those to whom the defenceless state of Plymouth was apparently imputable, to shew where the blame originated; for certainly blame was due somewhere; for had the enemy thought fit to attack it, Plymouth must have certainly fallen; and whoever the person might be who was found to have been neglectful of his duty, or unequal to the proper discharge of it, he ought to be brought to the most exemplary punishment.

His grace informed the House, that he was in the neighbourhood of Plymouth at the time and soon after the sudden terror subsided, by the presence of the enemy, created in the inhabitants, and he was never more astonished, than when he beheld it, as a professional man, weak and defence-

less as it was. There were guns and shot, but neither the one nor the other answered; but if there were guns and shot, all pieces of what are called small stores, were totally wanting; there were neither handspikes to work the guns, or give them the necessary direction, nor wadding, rammers, sponges, spring bottoms, nor, in short, any one part of the apparatus fit to receive an enemy. The persons who were to work and direct them, were still, if possible, less able to answer any one purpose of defence; they consisted in the whole of thirty-six or thirty-eight persons, most of them old and infirm. If the enemy had landed there were 200 guns, and allowing six men to a gun, the guns if supplied with every other implement necessary for their proper employment, would have proved totally useless. This was the state of Plymouth at the time the French made their appearance off that place. When they departed, what were the means taken to compensate for the former blunders and neglects? But before he went into that point, he begged leave to remind their lordships, that the noble lord to whom he particularly alluded, through the greatest part of his speech, as he understood, had been down in the early part of the summer at Plymouth, and if any omission on his lordship's part was imputable he had the less apology to make, because he must have discovered the weakness of the place, and the necessity there was for putting it in a proper posture of defence; in either event he was equally reprehensible.

But if sudden emergencies were not foreseen, or provided against when the hour of tranquillity returned, it might be presumed, that the former neglects and blunders would have been amply compensated for; was that the case, he should rejoice it had. What was the fact? Instead of raising works on the heights of Mount Tor and Mount Pleasant, which commanded the entrance of the harbour to the right and left, and which was of still more consequence, commanded within short cannon shot, and being within the reach of bombs and other combustible materials, the enemy would without risk, have been able, though they had not possessed themselves of the town, to lay it in ashes, with all its docks, and the materials for those buildings, such as timber and stores of all kinds; but what were the measures taken in case the enemy had returned immediately, which was every day expected? Why, instead of fortifying either Mount

Tor or Mount Pleasant, which both commanded the entrance of the harbour, the works constructed were most unskillfully planned; the sides of the hills were entrenched, and lines thrown up on the sides of them, and the tops most shamefully neglected. It might be said, that though the heights were not defended, it would have been very difficult for the enemy to effect a landing; the extreme steepness of the coast and sudden rise of the land near the shore, would enable a small force from taking maintainable ground against infinitely a greater. This was as untrue and ill-founded, as any thing else which might be urged to palliate the above-mentioned shameful neglect. The fact was this; that about ten miles westerly of Plymouth, the coast was low, and a safe debarkation insured even by the frigates destined to cover the landing; and when the force was once landed there was nothing to prevent it from possessing itself of one height, and then of the other; the inevitable consequence of which must be, the total destruction of the town of Plymouth, its docks, rope-houses, &c.

After speaking to this point very fully, his grace returned to the subject of the defence of that town, so far as the Admiralty-board was more immediately concerned. He said, in the exigencies of the moment, that the commanding officers, lord Shulldham, sir John Lindsay, and commissioner Ourry, consulted about the safety of the place; various means of sea defence were suggested; it was at length agreed to throw a boom across the narrowest part of the channel, to prevent the too near approach of the enemy. What did the wisdom of the Admiralty suggest in the mean time? Hearing of what was intended, they dispatched a trusty person, whom they selected as peculiarly fitted for the purpose, to countermand the intentions of the naval and military officers; a captain La Crasse, a kind of spy, for he assured the noble lord at the head of the army, there was spy upon spy, for that was the system of government. The boom was in part made, when the counter orders came. What was the purport of the counter orders? That vessels should be sunk in the channel. Let their lordships attend to the option made by the Admiralty-board. The boom could be opened, so as to permit ships to pass in or out, in an hour and a half, or two hours, and replaced in half the time; whereas, if vessels had been sunk in the channel, they might, if

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practicable to weigh at all, take as many days; and if that should not prove to be the case, the consequence would be, that no vessel could get in or out, and our fleet, had they met any disaster, either by bad weather, or in fight, would be shut out from the only place where they could look for protection or shelter.

His grace computed, that besides the possible injury which the inhabitants of the town might have suffered, in the loss of property, the stores, shipping, docks, &c. might be well estimated at a loss equal to five millions, attended with this circumstance, that the mere loss of property was not the object, but the difficulty, if not impossibility of repairing it in due time. From whence could we procure the necessary supplies of timber, stores, guns, sails, rigging, &c.? The attempt would have been impracticable; and though we had not lost a single ship of the line or frigate, the capture of Plymouth, or rather its destruction, would in fact amount to an annihilation of the navy of England. He was aware, that many matters which had been adverted to by him, relative to the state of Plymouth, concerning its accessibility in respect of an enemy, ought not apparently to have been mentioned; but when the transactions of the last summer, and the shameful neglect of ministers, in a matter of such transcendent importance, was properly considered, he imagined, that what he now said, would pass at least without censure. He begged leave to remind the House, that even before the French rescript was delivered, and to the conclusion of that session and the whole of the next, the state and condition of Plymouth, and the absolute necessity there was of putting it in a perfect state of defence, was frequently urged by noble lords on his side of the House, in which warnings himself had taken a part. What was the consequence? The summer of 1778 passed without any one precaution having been taken. The admonitions were repeated in the succeeding session, but to little or no effect: yet the great and awful moment arrived, when France combined with Spain for our total destruction: nevertheless, ministers, but more particularly the noble lord at the head of the army, in whose peculiar province it was, not only proved inattentive to the warnings given him, but to the discharge of his own peculiar duty. A noble earl who was then in his place, (lord Waldegrave) was governor of that town, and he could not say, but he was

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much surprised, that the noble earl, on the first alarm of an attack, did not repair to his government. He was persuaded that it was not for a want of zeal, alacrity, and military spirit, that he did not. He was too well convinced from experience, that the noble lord was not deficient in any of the requisites which form the soldier. He had the pleasure himself of seeing him lead up six British regiments, at the battle of Minden, who by their almost unassisted efforts, defeated the whole French army. Why his lordship did not repair to his duty, must be sought for in other causes concealed from the public eye. A right hon. member of the other House, (general Conway) quitted his duty in parliament, and repaired to his government (Jersey) upon much less alarm; consequently he was well warranted in saying, that the noble lord absented himself from some motive which affected him as a military man; probably, the noble lord foresaw, had he gone to Plymouth, and the nature of the service should require the presence of the commander in chief, that he must submit to obey the orders of a junior officer. His grace, after insisting upon this theme for some time, and giving broad hints that the appointment of the noble lord at present at the head of the army, was contrary to the rules of service, when such men as the present governor of Plymouth stood higher than he on the list, added some further observations on the conduct of the commander in chief, as to his professional conduct, and ability, particularly relative to the lines thrown up after the appearance of the enemy off that place. The noble lord was on the spot, viewed the works, gave orders for the purpose, both before and after that above-mentioned period. The first time, before M. D'Orvilliers made his appearance, he had viewed the works, and he could not help declaring them at both periods miserably planned, and injudiciously executed.

His grace next expressed great alarm at the increased military force within the kingdom. The militia and attached corps, were little short of 50,000 men; and he understood the military amounted to full as many. This presented a prodigious force indeed, no less than 100,000 men in arms, and the number was continually augmenting. This afforded to him a cause of great jealousy, or plainly pointed out to him the consummate folly of administration. If we had not a fleet at all, it was a force fully competent to the defence of the

kingdom: if we had, and trusted to it, we had no occasion for so great a force. He should be well pleased to hear, what plan the King's servants meant to adopt? If the strength of the nation was to be equally or proportionably divided between the naval and military services, neither service could be rendered effective; if an option was to be made, it was his opinion that the preference ought to be given to the navy; in short, he was himself perfectly satisfied, that our military establishment was disproportioned to the purposes of our situation; for in fact, except in the mere instance of defence, they were totally useless, unless our navy should be rendered nearly equal to that of our enemies. With a less military force, than that now in the pay of Britain, Mr. Pitt had rendered the British name immortal, and the universal object of admiration in every part of the globe. The arms of Britain had been carried triumphant every where, but that celebrated statesman looked upon the military but as a secondary object. The purport of the speech pointed out the propriety of a defensive war. He would not dispute how far such a plan of measures was or was not judicious, but surely, if the minister meant what he said, in that speech, and that our military force was as considerable as it was supposed to be, it furnished him with two arguments: first, that it was incumbent upon them to have the coasts defended; secondly, if nearly 100,000 men, including the militia, were in arms in August; it was very extraordinary that 10,000 could not be spared, instead of 4 or 5,000, for the defence of so important a place as Plymouth: and they must surely be very ill informed, who supposed that Plymouth could be defended with less than 10,000 men.

His grace then mentioned the total inattention of the cabinet, or the commander in chief, relative to several preventive measures, suggested in that House, in case an invasion should take place, relative to the lighting beacons on their approach or appearance off the coast; the driving the country, the forming magazines, the collecting the inhabitants to places of safety, &c. He observed, that no one step had been taken in consequence of these suggestions, but the King's proclamation, and what was done in consequence of it? The county he lived in (Sussex) consists of six rapes or divisions; and the orders given by the commander in chief, were perhaps the most extraordinary that

it, was possible for the mind of man to conceive: besides the depositaries fixed upon for securing the property, had the enemy effected a landing, it would upon an average be necessary to remove about 20,000 inhabitants in each rape, to a place of safety, near such depositaries. What were the places fixed upon? One was in the wealds, which was not accessible to military carriages, for above three months during the whole year; another was a petty village, where there was not so much as an hedge-ale-house; and so with the rest, where the spot fixed upon was equally inconvenient and obscure.

His grace adverted to the recent appointment of the new secretary (lord Hillsborough) and ridiculed his pretensions to responsibility. He reminded the House of the noble earl's celebrated circular letter, written in 1768, wherein he pledged not only his own word, but that of his sovereign and the British legislature, that no more taxes would be laid on the people of America for the purpose of raising a revenue; nay, he went further, he instructed a noble lord, since deceased (lord Botetourt) then governor of Virginia, to assure the council and house of representatives there, to commit the word of the sovereign on the following strong expression, as the most sacred pledge of a due performance, by confirming the cabinet assurance contained in the letter, that "it was the determined resolution of every part of government, and every branch of the British legislature, to lay no future taxes on America, and to inform them from his Majesty, that he would rather forfeit his crown than keep it by deceit." What was the consequence? The promise being afterwards shamefully violated, the people of America were convinced, that no dependence could be had either on the assurance of ministers, or even the pretended assurance of the King himself; for he could never be persuaded, however confidently it might be officially asserted, that the royal word would be violated, when thus solemnly given to a large and respectable body of his subjects, to answer the views of any faction, or to give success to the intrigues and cabals of a court. If, then, this was a fair state of that memorable transaction, what dependence or reliance could the people of Ireland have upon any assurance given by the same noble lord, now standing in a similar situation, though at the head of a different department? The same noble

lord now affirms, that he means to be responsible for all the measures he recommends. Can Ireland depend upon this declaration? The noble lord gives it as his opinion, that Ireland ought to have an equal trade. Has the noble lord explained his ideas of what he conceives to be an equal trade? Or has not his lordship, on the contrary, avoided giving any satisfaction on that head? Has he not shrunk back from all explanation, and sheltered himself, as he has repeatedly done in the case of the circular letter, under the pretence of taking the sense of parliament for his guide, and promising to carry whatever their determination may be, for his rule of conduct? The language, it is true, was constitutional, but was it such as the people of Ireland could safely trust to? Was it not notorious, from an uninterrupted experience of many years, that whatever measures were adopted in the King's councils immediately became the measures of parliament, through the irresistible influence of the crown; and did the noble lord mean to deceive Ireland in the same manner as he had deceived America, by firm and repeated declarations of responsibility; and when Ireland had been lulled into a fatal security, resign his employments, or seek his wonted refuge by saying, that though an "equal trade" was the prevailing opinion in the cabinet, it had been over-ruled by the sense of parliament; or by avoiding every species of explanation, relative to what he meant by the expression, an "equal trade," meet his accusers confidently, and tell them, Such might be your interpretation of the words; such was my meaning; and if you have been disappointed, it has been your fault, not mine, who have affixed a meaning to my words which they could never bear, and was totally foreign to my intentions?

He was extremely severe on the noble viscount (Stormont) who had charged the Amendment as replete with invective; and expressed his astonishment how he could controvert facts which, by being absent from the kingdom, he could be but imperfectly informed of; or how he could charge men, sedulously labouring for the salvation of their country, with factious views, or impelled by motives totally directed to the possession of power and emolument? His grace concluded with expressing his full approbation of the Amendment.

Lord Amherst rose to justify his conduct

respecting the state of defence Plymouth was in at the time the enemy appeared before it. He informed their lordships that he had gone down early in the summer, when it was not expected that the whole of the defence would rest upon the land force, because it was looked upon that the defences next the sea and the narrowness of the channel rendered that approach inaccessible. It was true, that if Plymouth was attacked by land the military force was not sufficient to man all the works, to defend all the avenues leading to it, nor to perform the very numerous services which would be necessary to impede and prevent the enemy from taking very advantageous situations. He agreed with the noble duke, that to defend Plymouth properly against an attack from the land side, would require 10,000 men; but such were the exigencies of other services, that no more than half the number could be spared for that purpose. As to the want of stores, he would affirm, that when he was there at the time alluded to, there were 8,000 barrels of gunpowder, balls, and every necessary requisite for a vigorous defence. If the calibres did not fit the balls, or the balls the calibres, that was not to be attributed to him. He had given general directions that the proper measures of defence should be carried into execution, and if they were not, it was not his fault. The noble duke had dwelt on another species of neglect, or want of military skill, subsequent, as well as antecedent to the appearance of the combined fleets off Plymouth; he meant, not throwing up defences on the heights of Mount Pleasant and Mount Tor, situated on the right and left of the entrance of the harbour. He begged that his grace, before he decided and imputed blame, would consider that the moment was pressing; that the works alluded to by the noble duke were very extensive, and called for great labour and time in the construction; whereas those thrown up on the spur of the occasion could be finished so as to enable the defenders to impede, though not finally defeat the attempt of the enemy. The fortifying these heights would have been impossible to be completed so as to answer the purpose of a sudden defence; and in the then existing state of affairs it was thought most advisable to answer the purposes of immediate defence, rather than by undertaking too much, leave the whole of what was necessary to be done in an imperfect, unfinished state, at a time it was likely the

enemy, if they meditated an attack at all, would have probably returned.—A noble lord (Shelburne) had talked much of the defenceless state of Jamaica, and among other circumstances, of the great loss by sickness, which had reduced the Liverpool blues upwards of 300 of their effective number; to which he could only reply, that by the last returns he received, he was authorised to say, that instead of a loss of 300, he had reason to believe that there were not deficient in the whole number above sixteen men.

The Duke of Richmond in reply observed, that every thing the noble lord had offered in his justification served but the more fully to confirm his neglect or incapacity. What apology was it for him to say, that if neither the balls fitted the guns, nor the guns the balls, that it was not his fault? And when he was at Plymouth, antecedent to the appearance of the enemy, that he had given his directions? Was that an apology to be endured in that House? Why not see that the balls and bores did fit? Why not see, if there were powder, that it was distributed? It was no secret; indeed it was the uniform language of parliament, for some weeks before they rose, that an invasion of this kingdom was expected. It was therefore with some indignation that he heard the strange apology now made by the noble lord, who, in possession of the first trust in the kingdom, in the dernier resort, which was the very peculiar circumstance now under consideration, could screen himself under the cover of the supposed neglect of other persons, who were by no means responsible to the nation. It was his lordship alone that was responsible to parliament and the people. If Plymouth had fallen through neglect, they would have called upon his lordship, and demanded justice on him. If he had given the necessary orders, and those who acted in subordinate situations had disobeyed them, why not come forward and speak out like a man; and like an honest man candidly confess his own error and incapacity, or fairly lay it to the door of those who were really criminal? He had heard other stories: he had heard that the officer who commanded there (sir William Lindsay) had resigned the command in disgust, or had been superseded; because he dared to censure the conduct of higher powers. Be it either way, the defenceless state of Plymouth was an object worthy of the investigation of parliament. He would not, in a matter of such

importance, in which he understood the fault was banded from one side to the other, give a premature opinion; but thus much he might venture to affirm, from what he was a witness to himself, that there was a fault somewhere; and that to ascertain where it lay was a fit subject for parliamentary enquiry. There was one matter which dropped from the noble lord, which had made a deep impression on his mind, which was, that although the proper defence of Plymouth and its vicinities required a force of 10,000 men, yet the other exigencies of military service would not admit of more than 5,000. He thought, without any enquiry whatever, he could venture to decide on the weight of this apology, and the attention it really deserved. How was it possible to hear it without the warmest indignation, if what was generally believed was true, that there was a force of nearly 100,000 armed men in this kingdom, taking in every description of military, militia, fencibles, and detached corps? and was it possible that with such a force another 5,000 men could not be spared for the defence of the kingdom, its sea frontier fortress, the second naval arsenal in England, containing value to the amount of full five millions, and if destroyed, which was the great point of all, must have put an end to the naval power, or even the naval existence of this kingdom!

Lord *Anherst* said he had no objection to the fullest enquiry into his conduct; that such were his directions, as had been before stated by him, and such his opinion respecting the distribution of the force; and if, upon examination, either should be found erroneous or injudicious, he was ready to abide by the sense of his country.

The Earl of *Sandwich* said he had no intention of rising, had it not been for some matters which had been stated by the noble duke who spoke last. The noble duke had said he would be ashamed to remain in office, as he had done, and stand between the sense of the whole of the naval officers and the salvation of his country. He could not agree with the noble duke, either as to the fact or inference. The noble duke explained himself further, by saying that all the most able, and judicious naval commanders had been driven from the service, and refused to serve so long as he remained to preside at the Admiralty board. In explanation of this, the names of Keppel, Howe, Harland, Pigot, and Barrington, had been particularly men-

tioned. He would first premise, that if his immediate resignation held out the most distant prospect of extricating this country out of its present difficulties, he would most cheerfully make way for a more able successor; and as to the point of refusal to serve under his administration, he was certain that the noble duke was misinformed; for he had an offer of service from one of the persons mentioned (lord Barrington) that very morning, or the day before; he did not know whether the offer would be accepted under the existing circumstances, but this he could assure the noble duke, that this was at least one exception to his general assertion, and he had little doubt but more might be given.

Much had been said of the inferiority of the British fleet to that of the combined naval force of the House of Bourbon; the fact might be, and occasion had been taken to refer, which was extremely disorderly, to what was supposed to have fallen from him in a debate some years back. What he said then he was ready to repeat, which was, that administration ought to have at all times a fleet equal to cope with the united force of the House of Bourbon. It was true, misrepresentations of what he really said, got into the newspapers, and what surprised him much more, had frequently been repeated by noble lords on the other side of the House. A noble earl who spoke early (*Shelburne*) and other noble lords who followed him, had asserted, that the British fleet had run away from a pursuing enemy; this was what he never would hear without following it with a contradiction. It was true that sir Charles Hardy, discovering the vast apparent superiority of the enemy, did not seek an engagement, nor would it have been prudent for him if he had. He retired, unmolested, eastward, to a part of the Channel where he could best bring his force to bear to greater effect; and where too, if a victory on our part should be the consequence, the enemy would be more exposed to destruction, as being farther from the main sea, and that part of their own coasts where they could take shelter. So far, then, from imputing any blame to the admiral who commanded the western squadron, in his opinion, his king and country were highly indebted to him. On the other hand, only consider the risk sir Charles would have run in case of a defeat! No less, perhaps, than the very fate of the country would be depending, in a

great measure, on the issue. It was to this commendable conduct he ascribed the paltry figure the combined fleet had made throughout the whole of this marine gasconade; they first came into the Channel, and went off in a precipitate manner, and the second time, though they saw the British fleet, and might have fetched them with ease, having the wind in their favour, they declined the combat, and after a very few days were not seen nor heard of more till their arrival at Brest.

"The king of France, with twenty thousand men,

"Went up the bill, and so came down again,"

was an old observation fully verified by their conduct.

Much had been said respecting the state, condition, and degree of preparation Plymouth was in at the time the French appeared off the harbour, particularly by the noble duke who spoke last. He would undertake to say, that the noble duke was misinformed, if he contended that Plymouth harbour and the channel were not well fortified; it was so well fortified, that the whole combined fleet could not enter the narrow channel, which is winding and extremely narrow in some places, commanded by the heights on each side, and by batteries on a level with the water; but even if all these obstructions had been removed, it would have been very easy to stop the passage, so that not a ship could come within such a distance, as would enable them to destroy the docks, shipping, naval stores, rope-houses, &c. The noble duke had insisted much on the inadequacy of the land force to the defence of the place, had it been attacked. That was a matter not immediately within his department, but he was persuaded, that a force might be collected so as to resist and defeat any sudden attack from the enemy; it is true, the town was defended chiefly towards the sea, and if the works which had been described as necessary by the noble duke, were not constructed on Mount Tor and Mount Pleasant, it was on the prevalent idea, that the place was impregnable to any attack from the sea, and that it would be extremely dangerous and difficult to effect a landing on any part of the coast near Plymouth, the coast being steep, and in many places inaccessible to the invaders, if troops should be in force to oppose them.

Several noble lords had pointed out the great inferiority of our fleet; the fact was

true in point of number of line of battle ships, but not with respect of efficient strength, of which there needed no better proof than the events of the campaign itself. Noble lords had likewise called upon him to declare whether we should be equal to the enemy the next campaign? This was a matter to which it would not be prudent to give a specific answer. He could say thus much, that the fleet of Great Britain was now in a more formidable state, than it had been at any time since the foundation of the British monarchy; and was composed of a more efficient force, considering the size and the condition of the ships, weight of metal, and the number of men borne; the latter, by the latest returns, were 87,000, which was higher than it was during the last year of the late war; the number of ships of the line was 88, which was somewhat short of what was in commission, part of the time alluded to, the number being then 96; six ships more would shortly be put in commission, and what farther exertions might be made in the course of the spring was not fit for him to tell; but he could venture to say this, that the navy of England, at the opening of the next campaign, would exceed every thing of the kind this country had ever beheld.

The noble duke who spoke last had said, that there were but 36 gunners or matrosses to work all the cannon at Plymouth. In this, too, his grace had been grossly misinformed; for there were upwards of 500 seamen in the town, not one of whom was unacquainted with the management, use, and working of the artillery. He spoke in the hearing of many lords acquainted with the land service, and appealed to their judgment, whether in operations on land, men were not taken from aboard the ships, purposely to assist in the raising and constructing of batteries, working the guns, &c. and he made no doubt, that if occasion had made it necessary, but the seamen, then at Plymouth, would have fully answered the purpose alluded to by the noble duke; and that if the French appeared there would be no reason to complain of a want of hands to work the guns.

The noble duke had talked in very strong terms of the loss of the *Ardent*, and imputed the loss of that ship to the neglect of the naval commanding officer at Plymouth. To this charge he would give two answers, the first would be, that his grace was mistaken in the fact, for a

cutter had, as soon as the French fleet appeared off the Ram-head, been dispatched eastward, though she was not so fortunate as to meet with captain Boteler; the other was, that captain Boteler was still a prisoner in France, and could not be amenable for his conduct, till exchanged by cartel or otherwise: whenever that event should take place, he would be brought to a court-martial for the loss of his ship. His lordship said, he would give his negative to the Amendment, because it was totally unprecedented in the annals of parliament.

The Duke of *Grafton* said, that whatever respect he might entertain for the person of his sovereign, he should consider the Speech from the throne as originating from the crown and advised by its ministers. In that light he was fully warranted in expressing his highest disapprobation of the Address, and his hearty concurrence in the Amendment. He perceived clearly, that the Address, though America was not mentioned in it, continued to be the favourite but ill-fated measure, which had hitherto brought on a succession of calamities, unequalled in the annals of any other nation, and which, if not abandoned immediately, must terminate in the ruin of this country. The noble marquis had, within a very short compass, expressed the sentiments of every intelligent independent man in England. New councils and new counsellors was the universal language. Indeed, all proof was unnecessary, it was enough only to look at what we were a few years since, and consider what we are. Both prospects served equally to fill the breast of every true Englishman with grief and indignation. It was impossible to think of one without thinking of the other; and he that could think of either must be made of very extraordinary materials indeed, if he did not find, on a review of the past and present scene, much to lament, much to fill him with indignation against the authors of our calamities; and more than sufficient to administer just cause of despondency and despair. It was therefore with peculiar satisfaction he heard the Amendment moved by his noble friend. The evil was the measures; the supporters were the next object; for unwise and unconstitutional as the measures were in themselves, they became still worse by the inability of those who were entrusted with the execution. The wickedness of the plan of subjugating America, was only equalled by the

degree of incapacity, which was apparent in the conducting it to the wished-for end; and the whole of the plan, as well as the execution, pointed out in the strongest colours what the Amendment stated, that nothing but new councils and new counsellors could effect the national salvation. His grace then proved his general assertions by the particular instances of folly, corruption, obstinacy, and unconstitutional acts the King's servants had been guilty of throughout the whole progress of the American war; and sat down with expressing his full approbation of the Amendment.

The *Lord Chancellor* said, that two propositions presented themselves in the course of the debate, the terms of the motion indeed were sufficiently explicit on the subject; the first was, the negative attempted to be given to the motion by the Amendment; the second, the affirmative contained in that Amendment. What was the true purport of the Address? To support his Majesty against a most dangerous confederacy of the combined force of France and Spain, leagued together for our destruction. What was the purport of the Amendment, but a total denial in point of fact, and of course of every inference or deduction drawn from the premises? Were the premises true? Was France and Spain confederated? Had they united for the purpose of annihilating the naval force of this country? Most assuredly so. What was the object of the Amendment? To put a negative upon this clear and indisputable proposition. If this must be clearly acknowledged, what was the obvious intention of the Amendment, in another point of view? To pass a censure upon ministers, without the most distant appearance of any thing, which bore a semblance to proof, or the most retrospective relation to fact. New councils and new counsellors, when it was used to the purpose to which it was intended to serve, and having a reference to the whole context, might be a very proper expression, and very fitly applied. How had it got into the present motion? He presumed by mere chance. The paragraph recommended new councils and new counsellors, without stating a single reason, why either the one or the other were become necessary; without even any constructive reference to what preceded or what followed the recommendation.

He had exerted his utmost industry to discover the grounds of this advice to the

crown, both in the Amendment itself, and in the reasons suggested by the noble lords who supported it: but all in vain: for all he could learn was, that certain measures, unsuccessful he would allow in the event, were condemned; and because unsuccessful, were therefore condemned. But allowing every thing which might be supposed to follow from such a suggestion, and inferences drawn from that suggestion, would it be just, would it be reasonable, would it be fair, either in point of form or fact, to condemn without hearing, to give judgment without knowing, or even enquiring what the party charged had to offer in extenuation, or in exculpation of the matter urged against them? He did not rise in that House, as an advocate for any man, or description of men, much less for the persons who were supposed to compose the present administration; but he stood up for justice, for the honour of parliament, and to preserve the reputation of the House. If ministers had acted improperly, injudiciously, corruptly, or wickedly, the very presumption that they had done so, intitled them to a claim to trial and indifferent justice. They were culprits, he would suppose, that was enough for his argument; they were intitled to the benefit of the laws; the greater the charge, the more criminal in its nature, the more exemplary and severe the punishment, if due; the more caution, and circumspection ought to be used, in seeing whether it was deserved or not; but to come with a side wind, without notice, without evidence, or any one species of proof whatever, to propose a removal, without a pretence of direct or implied guilt, was a mode of proceeding he would never accede to. It was an outrage on the constitution; it was contrary to law, to truth, to candour, to every form and essential requisite of substantial justice; it was what he never would nor could assent to, as a man, as a member of that House, or a friend to the constitution; and of course, could not upon any motive, prudent, political, or just, accede to the Amendment moved by the noble marquis.

Lord Camden made a personal reply to the noble lord who spoke last, and spoke besides very fully to the question. The words new councils and new counsellors, which the noble lord on the woolsack had so ably commented upon, and so industriously laboured to prove inapplicable to the subject matter under the consideration of the House, no matter whence borrowed,

or whence taken, were, in his opinion, the most apt, significant, and expressive, to the present state of this country it was possible for the mind of man to conceive. Why new councils? says the learned lord. Because the old councils have proved the cause of all our calamities. Why new counsellors? Because the present counsellors have been the authors of all our defeats and disgraces, and that ruin and destruction which, on every side, menace this country.

The noble and learned lord made use of the most novel logic he had ever heard in that House or out of it. The phrase, his lordship acknowledges, might have been very proper when first used, and by the person who used it. It was used by a noble friend of his (lord Chatham) some time since deceased: but upon what occasion? Upon the very same subject then under their lordships' discussion; upon the existing state and approaching ruin which then seemed to be suspended almost over our heads. What did that truly great and wise man say? "The disorder is uncommonly malignant, and threatens the most fatal consequences. What is the most proper mode of treatment? What will assuage its malignancy in the first stages? What will totally eradicate and remove it in time?" In the spirit nearly bordering on prediction; in the fullness of political wisdom, said that unrivalled statesman, "there must be new councils, and new counsellors." What, again, was the use the noble marquis wished to make of this sage advice? To give or repeat it directly and immediately to his sovereign. Was the malady to which it was intended as an antidote removed? Was it not the same distemper grown up to greater strength, and fuller maturity, become more dangerous in its aspect, and threatening still more fatal consequences?

The learned lord had said a great deal about the text and context: for his part he was at a great loss to know or discover, what could have induced his lordship to misspend so much time and ingenuity, in verbal criticism. The Address stated the contrast between two periods of his Majesty's reign; the conclusion was, that such having been the effects of such a system of government thus administered, to beseech his Majesty, as vested with the exercise of the executive power, to adopt other councils, and call to his advice other counsellors; surely in all this there was nothing irrational, illogical, or absurd;

on the contrary, as far as his poor opinion enabled him to judge, he never recollected to have heard premises more clearly or distinctly stated, nor a conclusion more faithfully and correctly drawn; and it was with no small degree of astonishment he heard the learned lord quarrel merely with the expression, and yet forbear to controvert its truth; for surely the mind must be strangely perverted, and very callous indeed, which could suppose the expression nonsensical, and so framed as to be incapable of receiving any impression of a truth in itself, which carried with it every possible mark of self-evidence.

His lordship proceeded then to debate the question so far as it related to a measure of state, in which he gave a compendious history of the American war, and the various measures which gave it birth and maturity, which brought France into the quarrel, and which finally gave existence to the tremendous confederacy described that day from the throne: and drew this conclusion, that the men who had acted in the manner he had stated, were no longer worthy of the favour and protection of their sovereign, or the confidence of the people.

On the affairs of Ireland his lordship observed, that the conduct of the King's ministers was such as the annals of mankind, since the first establishment of civil polity, afforded nothing similar. They turned a deaf ear to the complaints and distresses of a much oppressed and highly injured people; they permit them to fall into a phrenzy, arising from necessity and despair; and what did they do next? To quiet them; to redress their grievances, and assuage their miseries, they put arms into their hands, in order to compel that justice which they themselves had repeatedly denied. Such, he said, was the extraordinary politics of the present ministers, and such the extravagant system of government under which they acted.

After speaking to a variety of other topics, flowing from, or connected with the question, particularly the very direct and positive language in which the speech was couched, not seeking the advice of parliament at this most perilous crisis, but calling for its approbation of measures already determined upon, his lordship sat down, with expressing his full approbation of the Amendment, and his highest indignation at the blind, confident, if not insolent temerity of those counsellors, who had

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dared to put such unprecedented and unconstitutional language into the mouth of their sovereign.

The Earl of *Mansfield* rose, he said, with great embarrassment, at so late an hour, being much fatigued with the very uncommon length of the debate. He meant not to give an opinion on the subject at large, but only to make an observation or two upon a misconception which seemed to pervade the Amendment moved by the noble marquis, and every noble lord who spoke in its support. The two leading facts stated in the Amendment were these: that his Majesty, on his accession, found the nation in a state of the highest apparent prosperity, and that it was now reduced to a most dangerous and calamitous situation. These facts were most certainly true; no man could pretend to controvert them; but in his opinion the deduction from these premises did not at all follow; for things might continue to grow worse, and yet public misfortunes be not justly imputable to ministers; not that he pretended to decide one way or the other, nor did that question come before him in a shape fit or proper for discussion; but it struck him, upon a transient view, that the whole of our distresses could not be justly laid at the door of any set of ministers, or any particular description of men. A right hon. gentleman, some years deceased (*Mr. George Grenville*), was supposed to have directed his Majesty's councils immediately after the period of prosperity alluded to in the motion; and it was he that first brought the question of exercising the legislative rights of this country over America. He would not say how wisely; for he did not mean to decide whether the Stamp Act was a wise or improper measure. The noble marquis who moved the amendment succeeded that gentleman, and was honoured with the confidence of his Majesty in the same manner. During his lordship's administration the Stamp Act was repealed. He would give no opinion on the propriety of that measure. The noble duke in the blue ribbon who spoke lately (*Grafton*) succeeded to the noble marquis. During his grace's administration the revenue taxes upon tea, &c. were laid, which had originally sowed the seeds of the present rebellion. Whatever opinion he might have on the subject, he would give none at present, whether that either was or was not a wise measure; it was however sanctioned by the learned lord who spoke last, and a

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noble lord who spoke early, (Shelburne) who, at the time of passing that Act, had each of them a seat in his Majesty's councils. To this last the present set of ministers succeeded. They had neither passed the Stamp Act nor repealed it; they had not laid on the American duties; and whatever the measures were, good or bad, wise or unwise, they had only followed up what had been before chalked out for them. Whether it was good policy to pursue those measures, or whether they had been pursued in a manner the best calculated to obtain the object, was a matter of distinct consideration; but be that as it might, to do justice to all the parties concerned, it was by no means fair, according to his judgment, to make a particular application of a proposition, which, whether applicable to any set of them, was generally applicable, or not at all so. Upon this ground therefore, and this only, though he acknowledged the facts stated to be true, he could not in justice or conscience give his vote for a motion which went to the censure of a particular set of men, for pursuing a line of public conduct not devised by themselves in point of principle, and which had no better support than a consequence flowing from a system in which, if any censure were due, they could only be participants in.

His lordship then turned his attention to the very distressed and perilous situation of this country; and said, nothing but a full and comprehensive union of all parties and all men could effect its salvation. He was old enough to remember this country in very embarrassed situations; none, he acknowledged, like the present. He had seen great and violent party struggles; none so violent as the present. Notwithstanding which he by no means despaired. There was one point in which every man agreed, and every party professed to attain; and no doubt the wish was sincere; he meant a principle of self-defence, directed towards public preservation. On this ground he craved the attention of a word or two, to explain his ideas. He had talked of the struggle of parties; he should now throw out a few hints upon the necessity of a coalition, by referring to facts which had come within his own knowledge. Sir Robert Walpole had, for nearly twenty years, withstood one of the most formidable oppositions this country, perhaps, ever beheld. What did that great statesman do? He kept his place as long as he could, and when he

found that he could no longer retain it with safety, he compromised matters with his opponents, procuring for himself an indemnity for every thing which had passed, and made way for a system exactly similar in all its parts, and at the end of a few months administered and supported by the same man.

At the breaking out of the late war, public misfortune and other circumstances created a very strong opposition to the same administration that had succeeded to that of sir Robert Walpole's, which being strengthened by an existing party, made it necessary for his late majesty to change his councils, perhaps not to any great extent. He had a hand in that negotiation, and what was the consequence? Two persons, after some fluctuation, only were taken in, yet by so immaterial a change the nation was satisfied, a coalition ensued, and the effect of that seasonable union was the glorious successes and accession of territory made in the course of the late war.

How far the temper of the nation or state of parties might admit of a coalition at present he could not pretend to say; but it was an event most earnestly to be wished for; for indeed such was the alarming state of affairs, that the country loudly called for the assistance of every heart and hand which it contained, and with such a co-operation, though he was far from desponding, the most confident mind and most resolute temper had sufficient cause to stagger his confidence and shake his resolution. His lordship spoke to the question, as it presented itself to the House, and by implication entered into a defence of administration, by attributing all our misfortunes to the ambition and perfidy of the court of Versailles, and its baleful influence in the Spanish councils.

At half after one in the morning the House divided upon the *marquis of Rockingham's Amendment: Contents 41; Not Contents 82.* After which the Address was agreed to without a division.

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, and the Speaker having read the King's Speech,

Viscount Lewisham (eldest son of the earl of Dartmouth) rose to move an Address. His lordship began with lamenting that no brilliant circumstances, no very remarkable or interesting events had distinguished the operations of the summer campaign; at least, none such as could

invite that House to carry their congratulations to the foot of the throne. The summer had been marked rather with inactivity, an inactivity, however, not wholly confined to our fleets and armies. Inferior to the enemy, and consequently less fitted for enterprize, active or offensive operations could hardly be expected from us. The superiority of our enemies, on the other hand, should have inspired in them a spirit, proportioned to their apparent prospects of success. Was that the case? No; the combined powers of France and Spain seemed to have been seized with a torpor, which either proved the deficiency of their plans, or their total incapacity in carrying them into execution. A powerful and numerous fleet had been equipped; a considerable land force had been assembled, seemingly with an intention to invade this country; and the flag of Bourbon displayed along our coasts, in an empty and inefficient parade: and the lives, treasure, and time of the enemy, were wasted to no purpose. They had vainly threatened to drive us to the last trial, a contention for our all, to oblige us to defend our altars and our firesides, which if they had attempted, the firm countenance of our army, the undaunted resolution of our militia and those patriotic individuals who stepped forth and manifested a zeal and alacrity scarcely paralleled in any former period of our history, followed by the liberal contributions made by several respectable bodies of men, afforded every rational ground, that we should have triumphed over our foes; and that the rashness and audacity of the attempt would be equalled only by the succession of defeats and disgraces which would have followed. For his part, he confessed he was one of those, however paradoxical it might appear, who sincerely wished that the enemy had landed: thoroughly satisfied, that opposed by a brave and well-disciplined militia, commanded by men who had the first interest in the preservation of this country, the invaders must have met with repeated defeats, which would probably have terminated in total destruction or captivity. Upon the whole, when he considered that our trade had been protected from the ravages and depredations of a most formidable confederacy; that the intentions of invading this island had been frustrated; and the most powerful armaments our combined enemies were able to send forth to terrify or molest us, had been baffled, he could

not but be persuaded that the event of the campaign, all circumstances considered, was clearly in our favour.

As to Ireland, he did not doubt, but such relief would be given to that country, as its present distresses particularly called for, and our own immediate situation would permit. The interest of both nations, he had every reason to believe, would be discussed with temper and candour; for though a violent mob had recently acted in a riotous manner in Dublin, he was firmly persuaded, that such unwarrantable proceedings had not met with the least countenance, from the gentlemen of property, real influence, or character in Ireland. He could not bring himself to suppose even for a moment, that the people of that kingdom, who had uniformly, for a great length of time, conducted themselves in so commendable a manner, and had given so many proofs of their affection and good-will for this country, would take an advantage of its distressed situation. Extremities he hoped were not wished for by either nation; the good nature of this country, the generosity of that, and the wisdom of both, would, he flattered himself, prevent them.

The subject of unanimity was too trite to be handled by him, or pressed on the House in any new form. But, as he was persuaded our situation was such, that unanimity was our greatest and best resource, the only true basis, on which every prosperous measure in future could be built; he could not help strenuously recommending it to gentlemen on every side of the House. He trusted they would bury their dissensions in the general good; and make the most vigorous exertions, in order to advance the public service, at a time, that every head and heart should be united, to avert the danger with which the empire was threatened. His lordship therefore moved the following Address;

“Most gracious Sovereign;

“We, your Majesty’s most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your Majesty the thanks of this House, for your most gracious Speech from the throne.

“We are truly sensible that in the present arduous situation of affairs, we are called upon by every principle and every sentiment of duty to your Majesty, and to those we represent, to exert and to unite our utmost efforts in the sup-

port and defence of our country against a most unjust war, and one of the most dangerous confederacies that was ever formed against the crown and people of Great Britain.

"We see and revere the goodness of Divine Providence, in frustrating and disappointing the designs of our enemies to invade this kingdom; and whenever they attempt to carry their menaces into execution, we trust that their attacks will be repelled, and their enterprize defeated, by the blessing of the same Providence on the valour and intrepidity of your Majesty's fleets and armies; and that your Majesty's gracious and endearing declaration of your confidence in the character and courage of your people will be justified by the most convincing proofs that they are still animated by the same ardour, and the same spirit, that have in former times carried this nation through so many difficulties and dangers, and have so often enabled their ancestors to protect their country and all its dominions, and to save not only their own rights, but the liberties of other free states, from the restless ambition and encroaching power of the House of Bourbon.

"We acknowledge, with thankfulness, your Majesty's goodness and attention to the Address of this House, respecting your loyal and faithful kingdom of Ireland, in being pleased to order such papers to be communicated to this House, as may assist our deliberations on this important business: and we beg leave to assure your Majesty, that we will not fail to take into our consideration, what further benefits and advantages may be extended to that kingdom, by such regulations, and such methods, as may most effectually promote the common strength, wealth, and interests of all your dominions.

"Permit us, Sir, to return our humble thanks to your Majesty, for the gracious manner in which your Majesty renews and confirms your intire approbation of the good conduct and steady discipline of the national militia; and to assure your Majesty, that we concur most sincerely with your Majesty, in acknowledging and applauding the meritorious zeal and services of those loyal subjects who stood forth in the hour of danger, and who have added confidence as well as strength to the national defence.

"Your Majesty's faithful Commons receive with gratitude, and take a sincere part in, your Majesty's paternal expres-

sions of concern, that the various and extensive services and operations of the ensuing year must unavoidably be attended with great and heavy expences: yet, when it is considered how much the commerce, the prosperity, and the safety, of Great Britain depend on the issue of this contest, we doubt not that such powerful considerations and motives will induce all your Majesty's subjects to sustain, with cheerfulness and magnanimity, whatever burthens shall be found necessary for raising such supplies as may enable your Majesty to prosecute the war with vigour and effect, and to make every exertion in order to compel your enemies to listen to equitable terms of peace and accommodation."

Viscount Parker (eldest son of the earl of Macclesfield) seconded the motion, and in a few words, which he delivered in a very low voice, observed, that if we had not any brilliant successes, for which we could congratulate his Majesty, we had, in the course of the last campaign, acquired many solid advantages, for which we had reason to rejoice. A dreadful invasion had been threatened; but, though the enemy had insulted our coasts, they had clearly indicated by their retreat, that they had but very slender hopes of success, in the event of a debarkation. Our coasts had been protected from ravage, by the good condition and judicious disposition of our army; and our trade had been conducted safe into port, in spite of the boasted superiority of the House of Bourbon. These advantages he did not deem inconsiderable; nor did it in the least alter their value in his opinion, that they were not brilliant; but while he was thankful to Providence for the blessings already received, he earnestly exhorted the House to unanimity; hoping it would concur in the motion made by his noble friend, and give that degree of support to the crown, as would enable his Majesty to humble his enemies, to compel them to consent to measures of equity and justice, restore the national tranquillity, and render his subjects happy.

Lord John Cavendish observed, that little as he was pleased with the speech from the throne, there was however one part of it, which he could not but approve. His Majesty had mentioned Divine Providence, as a great ally, that had contributed much to our preservation. The thing was right, but his Majesty might have ventured a little further, and have given Providence more credit: for in his opinion, it was to

Providence, and nothing else, we owed our salvation. With a fleet very much inferior, a defenceless coast, and an exhausted treasury, we must have fallen a prey to our combined enemies, if they had thought proper to attack us. Our ministers supine, negligent, and divided; Plymouth naked in point of actual defence, or troops to man the defences, such as they were; what had we a right to expect but destruction? Providence however interposed, and the danger blew over. Providence, not ministers, therefore ought to have the merit. We had lived to see, notwithstanding this miraculous interposition, and to the present administration we owed, the shameful and ignominious sight of a British fleet flying from the enemy; and abandoning a naked coast to their insults. This, he would be bound to maintain, was the first time such a disgrace had happened to us, and defied administration to point out a period, when the enemy rode triumphant and without opposition in the British channel.

His lordship was astonished at the King's silence, on a topic of all others the most interesting, it having been the source of all our present calamities. He meant the American war. He desired to know from some one or other of the ministers present, if it was not of consequence to the nation to be informed of the state and condition of that country? whether it was to be totally abandoned, or whether we had in that part of the world any rational prospect of a successful termination to that cruel, impolitic, and expensive war? That accursed war had already cost the nation many millions, and many thousand lives; yet, America was not once mentioned in the speech; unless his Majesty included it in "all my dominions," a person might be tempted to conclude, that by totally omitting or rather avoiding any mention of the colonies, his Majesty meant to renounce his sovereignty over them.

The disposal of the army at home called for his most marked disapprobation. Enormous sums had been voted for it, and expended without the least appearance of œconomy, and instead of detaching part of it to act with vigour against the enemy, the whole enormous machine was kept inactive at home. The modelling of the army was as scandalous as it was unjust. The experienced veteran was obliged to make way for the raw subaltern, who had more friends or fortune, than merit or

claim from long service, to recommend him. Thus murmurings, jealousies, and grievances were created, among those who were fighting the battles of their country, and undergoing all the fatigues and perils of war, who ought not to have their attention diverted from their duty, by the misconduct of ministers heaping injuries upon them, which are generally resented, as it may be presumed, by persons who, from their habits and profession, have a quick sense of honour, and are impatient of any direct indignity offered to them, either in their individual or professional character. To conclude, such were the glaring absurdities, criminal omissions, and scandalous inconsistencies of the present administration; that, unless they were banished from the royal presence, and this system totally overturned, the nation must inevitably fall under the power of its enemies. To prevent so fatal a misfortune, he would move an Amendment to the question, by inserting after the words "national defence," at the end of the fifth paragraph, these words, "To beseech his Majesty to reflect upon the extent of territory, the power, the opulence, the reputation abroad, and the concord at home, which distinguished the opening of his Majesty's reign, and marked it as the most splendid and happy period in the history of this nation; and, when he shall have turned his eyes on the endangered, impoverished, distracted, and even dismembered state of the whole; after all the grants of successive parliaments, liberal to profusion, and trusting to the very utmost extent of rational confidence, his Majesty will expect to receive the honest opinion of a faithful and affectionate parliament, who should think they betrayed his Majesty, and those they represent, if they did not distinctly state to his Majesty, in words, what the world has seen in most calamitous and disgraceful effects; that if any thing can prevent the consummation of public ruin, it can only be new councils and new counsellors, without further loss of time, a real change, from a sincere conviction of past errors, and not a mere palliation, which must prove fruitless."

Mr. D. Hartley seconded the Amendment.

Mr. James Grenville said, he had as lively a sense of the necessity of unanimity as the noble lord who moved the Address; but he wished for it on motives very different, and for purposes directly contradictory to those assigned by the noble

lord. He most ardently wished for the unanimous concurrence of the House, in the Amendment just proposed by his noble friend; and affirmed, that it was the only means now left, for our delivery from a foreign foe. It was that alone which could extricate us from the innumerable perils that encompassed us on every side; and which a further support of the present ministerial system would draw down on our devoted heads. Their incapacity in council, their inability to plan, and their mode of even carrying those wretched counsels into effect, were proofs too evident, to admit of doubt or controversy. The events, or rather no events, of the last campaign had stamped on the minds of people, in such indelible characters, the effects of this system, that, were it not to remind the House of some glaring particulars, he should have hardly troubled it on the subject.

Plymouth, the great naval key of the kingdom, and the second naval arsenal, was left without defence, to the mercy of our enemies. In the West Indies our situation was truly deplorable: Dominica captured, St. Vincent's wrested from us, and Grenada once more reduced to the obedience of France. If he cast his eyes around, he could see misfortune and dejection strongly painted in the countenance of every gentleman, who had or might still have property in the West India islands; they had already felt the violent convulsion occasioned by the superiority of the naval power of France, in that quarter of the world: and their fortunes had been crushed, if not annihilated by the shock. It was impossible, in his opinion, that one of them could retain the smallest degree of confidence in administration, to whom and by whom alone, the loss of their private fortunes must be attributed, and their public expectations extinguished. He wished to know what must become of the minister when the great day of national account, and national retribution, should arrive? When he should be deserted by the friends who had hitherto given him a blind and indiscriminate support?

At home, our situation was no less deplorable; drained of our money as the country was by this accursed American war, there was not cash sufficient in the nation, for carrying on the purposes of trade. In fairs and markets, little business was transacted. The merchant did not like to trust his property on the sea, while our Channel was covered with the fleet of

France, and our intercourse with the ocean in a great measure cut off. The dread of being intercepted by the ships of France, Spain, and America, had taken possession of the heart of every person engaged in trade and commerce. It affected our manufacturers, as well as our trade; and consequently all employment was at an end. The lower orders of the people were half idle, or totally unemployed; and as the most unequivocal proof that this was no exaggerated account, or overcharged picture, he could give the grand criterion of this alarming truth by assuring the House, that the rent of lands had rapidly decreased within the two last years; notwithstanding which, contrary to all former instances, estates that would have sold for thirty-five or forty, had fallen to twenty-five, nay to twenty years purchase.

He then spoke to the affairs of Ireland. Such was the present state of that country and its distresses, that they called for the most speedy investigation. The distresses of Ireland, whether considered in a figurative or definite sense, were the distresses of England; and he was fully convinced, that the former could enjoy no benefit in trade, no advantage in commerce, no species of prosperity whatever, without imparting them bountifully to the latter. To preclude the Irish from a participation of trade, was to preclude them from the means of supporting their establishments. For his part, he did not care how much freedom they enjoyed in commerce with Great Britain, provided the difference in point of labour in both kingdoms was brought near each other by an equality of taxes laid by themselves on their own manufactures destined for exportation. If our establishment were expensive, Ireland would be then able to assist us, by contributing towards the general expenditure, in proportion to her abilities.

From parliament, he observed, the people formerly expected a redress of their grievances. The meeting therefore of that body was an event of flattering expectation to the subject; but now it was as much dreaded, as it was formerly anxiously desired. The Commons meet now, for the sole purpose of imposing additional burthens upon an overburdened and oppressed people; and the session becomes only distinguished, for some ingenious new-fangled tax, invented to draw from wretchedness and poverty its last farthing. The awful moment was approaching when the representatives of the

people were to deliver up to the represented the trust they had received from their hands. Had gentlemen turned in their minds the account they were to render of their stewardship? Could they inform their constituents, for what purpose they had voted additional taxes to be levied on a people already groaning under a debt, not much short of 150 millions sterling; and when the unfunded debt, which was at present enormous, and the expenditure of this year were added to it, would be little short of 200 millions. To conclude, there was one way, and but one remaining, in which the representatives of the people could in the present critical conjuncture of affairs discharge their duty, and prevent final and universal ruin; that was an unanimous concurrence in the Amendment, which pointed openly and implicitly to the removal of those to whose odious administration, under the guidance of secret advice, and that of the most hateful and pernicious kind, all our present calamities must be justly ascribed.

Mr. Adam apprized the House of his intention to abandon the minority, and vote with administration, on the present question; he therefore intreated the indulgence of the House, to state the motives of his conduct, and the reasons which induced him to adopt other opinions. Unconnected with any party, he declared he was totally unacquainted with the measures wished to be adopted on either side of the House, or with the plans they might respectively endeavour to recommend. The Speech, the Address, the Amendment, he protested he had never heard, till they were read in the customary mode of parliamentary proceeding; and being neither listed under the banner of government or opposition, he was at liberty to speak the genuine sentiments of his heart. During the last session, he had been of opinion, that the want of success in the field was entirely owing to a want of stability in our counsels. Fluctuation in the cabinet, he considered as the cause of fluctuation in the mode of conducting our military operations. To the cabinet he had ascribed all our miscarriages, and therefore had voted against administration. However, by an enquiry which had been instituted in that House, from which he had been called to attend a more pleasing, because he expected it would have been a more active, duty in the field, he was induced to change his opinion. He plainly perceived, that the fluctuating, divided state of

the cabinet had not been felt in America, though the operations there appeared to have been conducted as if these divisions were well known to those to whom the execution of the cabinet measures were entrusted. This of course led him to discover, that ministers were not solely to blame, and as they were not really the cause of all the miscarriages which happened in that country, he could not see the justice or propriety of attributing to them, exclusively, the unskilful conduct of the American war; much less, that they deserved indiscriminate censure and punishment for those calamities for which, in many instances, they were totally irresponsible.

To remove all the present ministers, which was the object of the noble lord's amendment, he contended would be personally injurious to them, as individuals, and, which was of much greater importance, would be highly prejudicial to the state, as there were some of them who were acknowledged to possess abilities fully adequate to the great task of saving their country; and who enjoyed a great share of public confidence. [A violent and loud cry of Name them! name them!] Mr. Adam, as soon as the tumult had subsided, proceeded, and alluded to the Lord Chancellor, whose power in debate, and whose abilities, had been felt and confessed in that House before he was raised to the rank of a peer of the realm. He mentioned likewise the noble lord to whom the seals had been lately delivered, in the same House (Stormont) who had done himself so much honour in the manner in which he conducted two very important embassies, at the Imperial and French courts.

He had another very cogent reason for not concurring in the amendment moved by the noble lord, either with respect to new counsels or new counsellors; for, amongst those gentlemen who stood candidates for office, he could not single out one, by whom the state was likely to be better served than by our present rulers. The former had already betrayed their intentions, by the abject concessions they would have made to our revolted subjects in America, had they possessed the power of giving them a ministerial sanction. And he was afraid, should they be called into office, instead of carrying on the war with spirit and activity, they would terminate it with a dishonourable and humiliating peace. He therefore deemed it better to make one struggle more even under the

present ministers, than remove them, in order to make way for others, whose administration would have, for its basis, the dismemberment and disgrace of the empire. He beheld a political phenomenon at the time he was speaking; an unsuccessful ministry, and an unpopular opposition!

As to our situation, it was far from being dangerous, much less desperate, as had been the case at former periods of our history. The noble lord who moved the amendment, defied administration to point out a time when we had lost the dominion of the sea, or the possession of our Channel. He could tell the noble lord the period; it was in the year 1690, when we had been beaten for the second time at sea; first off Bantry, and lastly off Beachy-head. When the French burnt a town on our coast, sunk or destroyed seven ships of the line, when our admiral (Herbert lord Barrington) was obliged to fly for the river, to order the buoys and sea marks to be pulled up or destroyed, to evade pursuit; to take shelter in the Thames and Medway, from the victorious foe; when Ireland was in a state of actual and most formidable resistance, supported by a foreign army within her bowels, and her whole force commanded by an able foreign general (St. Ruth); when finally the most dangerous divisions subsisted at home, one half at least of the people scantily abetting the cause of the exiled king, and the other half far from being united. Notwithstanding which, in such an ocean of perils and difficulties, and such an host of calamities, we at length surmounted them all, and brought the state vessel safe into port. If this was a true picture of the affairs of this country in 1690, it would follow, that the noble lord who moved the Amendment, defied administration to bring a proof which every person in the land conversant in English history was fully competent to decide on. But declining to push the fact or simile further, the noble lord must acknowledge its particular application, to an expression in the amendment: "new counsels, new counsellors." Why? Because our present counsellors had been unsuccessful; but surely it was reasonable to suppose, that the unsuccessful ministers of 1779, might prove as fortunate as the unsuccessful ministers of 1690; and that as in the latter year, the honour of the English flag being tarnished and disgraced had in two years afterwards recovered its lustre, by a total defeat of the fleet of France, so might the British flag, though not disgraced, shortly recover its

wonted dignity, which might terminate in an honourable conclusion of the war.

Mr. T. Townshend declared he thought it impossible that we could ever have been brought into the calamitous state in which we were then reduced, if, to the inability of our ministers, base treachery were not added; treachery he was perfectly satisfied was somewhere lurking in our councils, and had surrounded the throne; otherwise, in spite of the blunders of administration, we should be in infinitely a better state of defence than we were. The history of last summer would remain an indelible disgrace on this country. The Channel, over which we had claimed an ancient and hitherto uncontrouled dominion, had been abandoned by our admiral; brave and skilful and experienced as sir Charles Hardy was known to be, the inferiority of his fleet had compelled him to shun the enemy, and suffer them to display their triumphant flag, and ride paramount and unmolested, on an empire once considered as our own, in sight of a coast little accustomed to the insulting sight of an enemy's fleet: such however at that time was the state of Plymouth, naked, defenceless, and uncovered, that had the French attempted to land, their appearance off the coast of the Channel would not have been called, as it had been, a mere "empty parade." Plymouth, the second naval arsenal in the kingdom, would now be in ashes. He had in his eye several gentlemen, who were at Plymouth when the combined squadron appeared off that harbour, who could bear witness, that the town would not, if attacked, have been able to make any resistance; so that, in the well applied and pointed language of his noble friend, it was Providence alone that protected it. The superiority of the enemy, which could be adduced as the only reason for the flight of our fleet, ought to be considered as furnishing the fullest and most convincing evidence of the criminality of ministers. The greater our ministers foresaw that superiority would be, the weightier was the obligation on them to prevent it, by sending out a proportionable force to meet them in time, which would have secured us against a junction of the French and Spanish squadrons. Could ministers say, that they were surprized? that the enemy had stolen upon them from Cadiz to Plymouth? By no means. The Spaniards, within and without that House, had been represented by ministers and

their friends as tardy and sluggish. Could we not have learned their intention of joining the French fleet, and should not that junction have been prevented?

Our West India islands were left still, if possible, more naked and defenceless, and were secured or rather delivered up, by ministers to our enemies; for, in his opinion, there was very little difference between our surrendering our West India possessions, by a private or public treaty to France, and leaving them in such an uncovered, defenceless and unprotected state, as to render any species of resistance little short of insane temerity, and obstinate unavailing rashness. The prospect America would present, if brought forward, was so gloomy, that ministers had cautiously drawn a veil over it, to keep it from the public eye. In the Mediterranean our trade was annihilated, Gibraltar was besieged, and we had not been able hitherto to send it the least relief: in a word, our affairs were in so calamitous a situation, that ministers, the authors of our misfortunes, were the first objects of our contempt and execration: and no man who did not wish or deserve to share in their punishment should offer himself a candidate for their friendship, or partake under their countenance and favour of the emoluments of office.

But of late years, a most dangerous doctrine had gone forth, and had been most sedulously propagated, by the followers of administration, and perhaps some of its members, though neither had the confidence publicly to avow it, which directly tended to overthrow the constitution, "that the King was his own minister, his own admiral in chief, his own general, his own secretary, his own president of the council, his own financier." Thus his Majesty was made the shield behind which knavery, servility, and every species of folly, treachery, and villainy might screen themselves from punishment. If an admiral or a first lord, or any other lord of the Admiralty, is blamed, he will say, "I but obey the orders of my sovereign, he is his own minister, and in him is concentrated all the wisdom, skill, and experience of his humble substitute, and all those who act in subordinate situations;" so with the commander in chief, the secretaries, president, and financier. The failure of every measure, is thus laid at the door of the sovereign, who, according to both the letter and spirit of the constitution, can do no wrong, and the res-

ponsibility of the servants transferred to the personal and political character of the master. These were doctrines which afforded but a flimsy and wretched protection from punishment; for an impartial and uncorrupt parliament would know where responsibility ought to rest, would fix it accordingly, and would direct it to the quarter where both justice, the constitution, and the laws, pointed, and whereat some future day, he predicted, it would be loudly and peremptorily demanded.

To oppose a dreadful confederacy, as announced from the throne though the same channel of authority, he was fully warranted in presuming, that we were left without any ally; otherwise, there would have been some notice taken in the speech that negotiation had thrown some weight into the opposite scale. In former administrations, continental connections had been necessary; at present they were exploded; as we affected to disregard the continent, the continent had learned by example, to disregard us; which he deemed to be one principal cause of our misfortunes. No alliance, no combination, no interference in our favour, either on lucrative or generous motives. The whole power of the House of Bourbon was collected, and directed against us. In former wars, we had allies who compelled France to divide her power, and send great part of her forces, the very flower of her troops, and the main strength of her kingdom, to the banks of the Rhine, the Weser, and the Danube; but our wise ministers, acting on their new system, had deprived us of that resource, which had never failed since the Revolution to baffle and defeat our enemies. If, in 1690, we had lost the dominion of the Channel, as had been so confidently asserted by the hon. gentleman who spoke last, we were not however abandoned, and despised by the great continental powers of Europe. The United Provinces were embarked with us in the same cause, shared in our distresses, and contributed to our prosperity. The emperor of Germany gave every countenance to the new establishment formed at the Revolution. The princes of the empire were in our interest, and Spain stood upon the most amicable terms with us. Reverse the picture, and observe the contrast; we have now not one friend from the confines of Siberia to the Straights of Gibraltar, nor from Norway to the Hellespont; and not only France

to contend with, but France, Spain, and the greater part of Italy leagued against us, and almost every other power in Europe but two or three hostilely inclined, and those two or three lukewarm and indifferent.

Upon the whole he saw such a disinclination, almost approaching to aversion, in the continental powers to join us, under the present administration, he saw such evils as had already befallen us, and many more, which would be the natural consequence of those already in existence, that, to save the kingdom from destruction, he knew no more effectual way, than the removal of the present ministry. He would therefore give his hearty concurrence to the Amendment.

Mr. *Minchin* said he would not have risen but for the mention he had heard made of Plymouth. He had been there when the French had appeared before it, and so weak did he affirm the garrison to have been, so little able to make a resistance, that had the enemy landed their men they must have destroyed the town. We would have met them, said he, with the spirit of Englishmen; but sure I am that to a man we must have perished. Our feelings were mortified to see one of our ships taken within sight of the port, and the French flag proudly waving, and challenging us to action to which we were unequal: our fleet skulked between the rocks for shelter, and in the night stole into the Channel, without daring to fire their signal guns, while those of the enemy were thundering in our ears. This was the afflicting state of Plymouth and our fleet; and to Providence, and Providence alone, he ascribed our preservation from a ruin which we ourselves were unable to avert.

Lord *George Gordon* insisted that there was not common sense in the King's speech, and that it abounded with impropriety. His Majesty tells us, that in consequence of our address he has ordered certain papers relative to Ireland to be laid before us: why not in consequence of addresses from Ireland? were Irish addresses to be disregarded? and was the Irish parliament unworthy of notice? The truth is, Sir, his Majesty's ministers are no less odious in Ireland than in England; the Irish deem themselves oppressed, and call their government tyranny. To prove this, I need only read to you the opinions of some leading members in the Irish Commons. His lordship then produced a

news-paper, and read from it the debates of the Commons in Ireland on the first day of their meeting; and dwelt with particular emphasis on every sentence that conveyed a censure on administration. The grievances of Ireland, he said, were become so numerous and intolerable that the people were obliged at last to insist on having a free trade. But if this demand was to be complied with, and they were to trade with every part of the empire, he begged the noble lord in the blue ribbon would give him timely notice of it, that he might write down to Scotland to give his countrymen warning to establish an India company of their own. In Scotland he declared the people were as ready to break with the minister as in Ireland. The indulgencies given to papists had alarmed the whole country, and they were determined to guard against a people that were become such favourites in the eyes of the ministry. He did not speak his own sentiments only; government should find 120,000 men at his back, who would avow and support them, and whose warmth of spirit was still greater than his was. They had sent petitions to the ministers of state, who had disregarded them; to the Lord Chancellor, to deliver to the Lords, who suppressed them; and to you, Mr. Speaker, who have incurred the displeasure of the people by not delivering them to the Commons. They have now printed their sentiments and resolutions on their grievances, and as soon as they are bound, I am to deliver one of them to the King, and another to the Prince of Wales, that they may learn from them upon what terms the Scotch will be governed by them. The coast of Scotland being left naked and defenceless, the people of Dumfries-shire had petitioned for arms to defend themselves. To my certain knowledge, Paul Jones might have destroyed Glasgow, Leith, Greenock, and Edinburgh, at the same time. The answer was mortifying, a positive refusal of the request was given. I will read you the letter, Mr. Speaker, from the Secretary at War to the duke of Queensberry and lord Stormont, on the subject. Having read the letter, he darted a look at the Secretary at War, and stretching out his arm, he suddenly exclaimed, And you, Charles Jenkinson, how dare you write such a letter! Robert Bruce would not have dared to write such a one: and yet the secretary of an elector of Hanover has had the presumption to do it: the royal

family of Stuart had been banished for not attending to the voice of their people; and yet the elector of Hanover is not afraid to disregard it. Sir Hugh Smithson earl Percy, armed cap-a-pee, marches at the head of all the cheesemongers and grocers from Temple-Bar to Brentford, and the great earl Douglas of Scotland is not to be intrusted with arms. The Scotch are irritated at this partiality; and in point of religion they are exasperated, as they are convinced in their own mind that the King is a papist. He seemed inclined to proceed in the same manner, when the Speaker at last interrupted him. His lordship then concluded with notice of a motion he intended to make.

Lord North said, he rose in this stage of the debate, lest his silence should be interpreted as proceeding from a desire to shun the warm conflict so eagerly urged by the noble lord who moved the amendment, and the two hon. gentlemen who followed on the same side. An indirect charge of treachery had been made against him, by the right hon. gentleman who spoke last. This seemed of late a favourite topic with gentlemen in opposition; but why did they not pursue their accusations, and follow them up with specific proofs; and by so doing endeavour to fix the guilt and bring it home fairly and directly to its proper object, and compel the miscreant to undergo that fate which treachery deserves? An hon. gentleman (Mr. J. Grenville) asked him, what he would do when he should find himself deserted by his friends in parliament? He was prepared to answer him; he would instantly retire; for whenever the majority of the House should disapprove of a minister's conduct, he must give way. Like a torrent their disapprobation must, and ought, to sweep ministers before it. For God forbid, exclaimed his lordship, that there should be a voice in the nation, stronger than that of parliament! Whenever my accounting day shall come, I shall meet it without fear. There are laws for the protection of innocence, and if my accusers are not enemies to law, I am safe. My innocence will be my shield, and the laws will defend me.

He said, if we had not as yet any allies, it was not to be attributed to his dislike of continental connections, it arose from the prevailing politics of other powers. If France had attacked any power on the continent, he would have had no objection to have interfered in continental affairs. The support of the balance of power would

have called upon this country to succour the power attacked; and he made no doubt, but other powers would cheerfully take up arms for the same purpose; but at present it was not a continental power that was attacked; it was Great Britain, with whom the continental powers did not think themselves immediately connected, as with their neighbours; and if they thought so, it was not his fault; he thought otherwise, and he was satisfied that they would shortly see their error, and interpose to check the ambition of the House of Bourbon.

The vast superiority of the enemy was not imputable to him, but to other powers: for when the whole House of Bourbon was suffered to collect this force unmolested, and to bring it to bear upon this country, it was impossible for Great Britain to prevent them from out-numbering us in ships: and yet, notwithstanding his vast superiority, when he looked into the history of the last campaign, he found that disgrace was theirs not ours. They had fitted out a formidable armament; they appeared upon our coasts, it is true; they talked big, threatened a great deal, did nothing, and retired. It should be remembered that the enemy confessed themselves to be acting on the offensive; we were as professedly acting on the defensive. They came with a declared intention to invade, we to resist such an attempt; they were therefore foiled, for they had not dared even to make the attempt. Their immense armaments paraded to no purpose; and their millions were spent in vain. Had they landed, and indeed he almost wished they had, their reception, he was confident, would be such, as would add to their disgrace; and would have convinced them, that a British militia had spirit enough to defend their country, and repel invaders.

Some gentlemen were willing to attribute the protection of our trade solely to Providence, without allowing any merit either to administration, or the commander of the western squadron; but it required no great share of sagacity to see, that with 37 or 40 sail of the line, to amuse, fix the attention, and keep in continual motion, a fleet of 66, required more than common abilities; and was most salutary in its effects, as it kept together an immense armament, which, if sent upon different services, directed to specific operations in the western world or elsewhere, would probably have destroyed our

trade and commerce, and disrobed us of some of our most valuable possessions. For this signal service, the admiral deserved no less the admiration, than the applause of his countrymen. To decline an engagement, when he knew a reinforcement was just ready to join him, and when the enemy was so much his superior in point of number, was the effect of prudence and eminent skill in his profession; to have accepted a challenge, would have been the extreme of rash valour. To draw the enemy up the Channel, where our fleet might have engaged with less disadvantage, was a measure which prudence suggested, and which superior judgment alone could have executed. The enemy did not think proper to come to an action up the Channel, or venture far eastward. Had sir Charles Hardy known then, as well as now, the internal state of their fleet, he would have wished and earnestly sought an engagement; and from the health, spirit, activity, and superior naval skill on our part, his lordship confessed, he would not have felt the least anxiety or alarm for the event of such a conflict.

It was asked, why the junction of the French and Spanish fleets was not prevented? He acknowledged, that such a prevention, if practicable, would have been a very desirable point gained; but he had every reason to believe, it was not in our power. He would not say, that ministers had not thought of it, had not intended it; but the French perceiving our intention, took the resolution of putting to sea while we were preparing; to slip out of Brest unprepared, and sailed for Cadiz. That M. D'Orvilliers was not prepared, appeared very clearly, by the sudden return of some of his ships to Brest, which were unable to keep the sea. Our preparations were certainly in much greater forwardness than those of France; and had the French remained in port till they should have been really fit for service, we would most assuredly have prevented the junction of the French and Spanish squadrons. If we did not imitate them in proceeding to sea in an unprepared state, the reasons were obvious. The Spaniards were well equipped, our all depended on our fleet, and we were therefore obliged to be cautious.

When he reflected on our present situation, he declared it did not appear to him, in so lamentable a light, as to the hon. gentlemen, who spoke on that side of the question. We were certainly in a much

better posture of defence now, than when Spain declared against us. Our fleet was much more numerous. Our ships were admirably equipped, and he entertained strong hopes of a brilliant campaign the next spring.

With respect to Plymouth, it was of the utmost consequence to the nation, he was ready to acknowledge; but he trusted that the House would not suppose ministers so remiss in their duty, as to leave it in the defenceless state in which it had been described; care had been taken to reinforce the garrison with two additional regiments; and if more were not sent, it was because government were satisfied, that M. D'Orvilliers did not intend a debarkation at the time; he only meant to cover it, and occupy that part of the Channel, while the transports with the troops were landing on some other part of the coast; but were it not so, D'Orvilliers, it was plain, obeyed his orders, and had they been otherwise, Plymouth could be easily reinforced. Since the appearance of the enemy off that place, every precaution had been taken, that was necessary to put it into a state, which now enables it to bid defiance to the united efforts of the House of Bourbon. Our situation, he was happy and confident to repeat, was much more secure and respectable, than it was at the same time last year; our fleet was much stronger, and likely to be considerably augmented, in the course of the winter and commencement of the spring; in a word we were so well equipped, that no power in Europe need hesitate or be afraid to make a common cause with us.

If Ireland was distressed, and he heard it was, it was certainly entitled to relief. England no doubt would grant her every thing that could be given without injuring herself, and Ireland surely could not ask more. A noble lord had read the speeches of some particular members in the Irish House of Commons, to prove that the policy of administration respecting Ireland, was stamped with tyranny. The gentlemen whose speeches were thus alluded to, could not have in view the present administration; for Ireland had received more benefit from them, than from any other, for forty years preceding. Bounties were given on the importation of flax-seed into that kingdom; on the exportation of linen; the culture of hemp and tobacco; encouragement was given to the fisheries in that kingdom, her plantation trade was enlarged, and many other favours marked

the conduct of the present administration towards that kingdom; the complaints of Ireland were directed not against the present servants of the crown; but against the constitution of this country; for the great source of their complaints was, the restraint laid on their trade in the reign of Charles 2, and William 3. Ireland, as far as his voice went, should have what was reasonable, and unless there were some latent humours, some secret measures, urged by the emissaries from the enemies of both kingdoms, Ireland would be satisfied; she ought to be convinced, that England could much better subsist without her, than she could without England; that her dependence on England was to her own advantage, and that if she wished to shake it off, it would indeed be to the injury of England, but would terminate in the destruction of Ireland. He had no dread, however, on that account. He was sure, that nine hundred and ninety-nine out of a thousand, were totally averse to any violent measures, which might involve in them consequences of local resistance or civil confusion; and he retained not the most remote suspicion, of the sisterly affection of both countries towards each other; and as to the disposition of the people of Scotland, the noble lord had been mistaken in his opinion concerning it; for they had given too many proofs of their loyalty and affection, to give cause for so ill-founded an imputation.

The amendment certainly contained no language that was unparliamentary. It was the duty of parliament to cause ministers to be removed, but justice required, that proof should be first made of their delinquency. To remove the servants of the crown without assigning any cause for it, or attributing to them without a trial, what on trial would be found not imputable to them, would be unjust and unprecedented. Therefore, though he admitted to the fullest extent the right of the House to address the throne for a removal of ministers, as there was nothing specifically charged in the amendment, he certainly would not vote for it; and as it reflected a censure upon him, as included in the general description of praying for new counsels and new counsellors, the House, he was sure, would not be surprised that he did not support it.

Admiral *Keppel* rose, he said, with indignation to reprobate the noble lord's assertions in the blue ribbon, respecting the protection given to our trade by the fleet

under the command of sir Charles Hardy. They were false, they were impositions he affirmed, in every particular, and he was ready to prove it if called upon. The language of the noble lord was not the language of a seaman, or of any person who conversed with seamen. No seaman could bear to listen to it, without giving it the most unqualified contradiction. The reasoning, arguments, and assertions of the noble lord, were those of a landman; and he made no scruple to say, that that landman was the earl of Sandwich. If it was true, in any degree, the hon. admiral whose name had been mentioned, must confess that his forty years experience had brought him no information and but little professional knowledge. If the enemy had not succeeded in their designs, their failing to effect their purposes could not be attributed to the operations of our fleet. Had M. D'Ouvilliers been impeded by it in his approach to Plymouth? The enemy, it was true, effected no landing there, but was it not equally true, that during the time they lay before it, the wind was never far enough to the eastward, to give them an opportunity to prudently make the attempt; and was not their departure entirely owing to the elements, which forced them out of the Channel to sea, the same wind, which was unfavourable to their working up higher in the Channel, when increased forced them out of it, in defiance of their utmost efforts.

As to the safe arrival of our trade, could our fleet derive any merit from that fortunate circumstance, when it was beyond a possibility of doubt, that the whole of it, returning from the East and West Indies, might have been intercepted by so small a force, as two ships of the line? Had not that strong easterly wind operated by the permission of Providence, in our favor, must not the large transports which arrived so immediately after the departure of the enemy, have fallen into their hands, to the disgrace of government, and the almost irreparable loss of the nation? What, then, had we to thank but Providence for the salvation of our trade, and the safety of the town, docks and naval arsenals of Plymouth? Inferior as our fleet must have been to the squadrons of France and Spain united, it was the more incumbent on ministers to prevent their junction. How came it then, that our fleet was suffered to remain peaceably in Torbay, while that junction was effecting, while a single effort was not made to defeat so alarming an

event taking place? That instance of neglect alone had furnished sufficient ground against administration, and justified the necessity of agreeing to the amendment. The fate of the empire seemed to turn on the single circumstance of dividing the naval force of the enemy; yet in that most critical and tremendous moment no active effort was made, no, not even so much as an attempt. The torpor of the ministry increased in proportion as our danger augmented, and demanded double, nay, ten times over, their attention and utmost assiduities.

The noble lord, with his wonted dexterity and address, had defended the propriety of the flight of a British fleet from an insulting foe, in the sight of our own coasts, for certainly such it was; but if the word was harsh, he would call it a retreat. The ground on which his lordship justified that new and disgraceful event, was, that sir Charles Hardy returned for a reinforcement; a miserable justification indeed! What did this expected mighty reinforcement consist of? The Arrogant, one of sir Edward Hawke's rotten ships, and the Blenheim, whose bottom was so foul, that she had been obliged to go into dock to undergo a thorough repair. This was the paltry reinforcement, to obtain which, a British fleet was ordered to run from the enemy, offering them battle on their own coasts. For this, the courage of our seamen, and the spirit and professional honour and dignity of our officers, were to be wounded and damped. Even with an inferior fleet, something might have been done, and if nothing had been gained by it, yet nothing would have been lost. But what on the other hand can compensate the loss of national glory, which we have sustained by the disgraceful flight of our fleet?

He declared himself totally unacquainted with the orders given to sir Charles Hardy; he fixed no blame, imputed no defect in point of skill, courage, or fidelity to that gentleman. Very possibly that veteran seaman was justified in his conduct, from the tenor of his instructions. But ill informed, or rather totally in the dark concerning the hon. admiral's motive, he was obliged to frame his opinion on appearances, such as they might present themselves to him, or any other professional man: in that point of view, all he could fairly add on the subject was, that he still remained unable to account for sir Charles's going to sea a second time,

under the direction of men who dared to compel him to the humiliating and mortifying necessity of running away. Had he been in the situation sir Charles was, instead of taking the command again, he would have given ministers this answer: "I will never run away to oblige you again!"

To give the full completion to the sottish ignorance of administration, the fleet was kept at sea at this dangerous season of the year, when it ran the risk of being dispersed and shattered by storms, and to answer no purpose but that of an empty parade, in the language of the noble lord in the blue ribbon, while the enemy had been laid up for some weeks safe in port, preparing perhaps already with all possible industry and dispatch, for the next campaign. If we were not able to meet the enemy this year, he asked how much better we should be to do so at the commencement of the ensuing? The French would have at least eight ships of the line next spring more than they had at the close of the campaign; and the Spaniards four; so that the combined fleets would have, at the most moderate computation, an augmentation of twelve ships, some of them of the first magnitude, and the remainder seventy and seventy-fours, of the largest sized third rates; whilst our augmentation would not amount to half that number. He looked back to the events of the last campaign with sorrow; and forward to the next, with solicitude and apprehension, for the consequences which he feared would follow; and as our only means of salvation, would vote for the removal of those weak or wicked counsellors, who had led us to our present state of humiliation and national distress.

Mr. Fox next rose, he said, to express his astonishment at the paradoxical mode of reasoning adopted by an hon. gentleman (Mr. Adam) who introduced his speech, with informing the House on which side he intended to vote when the House should come to a division, namely, in favour of administration. The motives which induced that hon. gentleman to change sides, were rather curious, and of the first impression. At the beginning of the last session he thought the ministers wrong, but the operations of the last campaign had taught him to think that ministers were right; or in other words, that having once thought ill of them, a line of conduct, still more disgraceful, more infamous, more destructive and ruinous, had

at once done away the bad impression their less humiliating and mischievous conduct challenged, and had determined him to support them! This, he would be bold to say, was soaring to the very summit of political paradox, and parliamentary enigma. The hon. gentleman had said, that there were men in administration who were possessed of great abilities, and enjoyed the confidence of both their sovereign and their country. Where was he to seek for them? Would the hon. gentleman be so kind as to direct his steps, and enlighten his researches? Was he to look for them at the head of the army? There he would find an officer, who, he was certain, had entirely lost the confidence of the whole body over whose interests and immediate government he had been raised, for the apparent purpose of protecting and regulating, and that by a partial distribution of favours, military rank, and refusing military merit its just and dear-bought reward; because scarce an instance had happened, since on an unfortunate, ill-omened day, his lordship was appointed commander in chief, in which he did not furnish repeated proofs, that military rewards were snatched from the well-entitled veteran, and conferred on those, who had no other recommendation to his notice than an influence, which he should, as the father and protector of the army, have set his face against, in the most unreserved and direct manner. Was it in the secretary of state's office, he was to search? There, perhaps, he should find a man, whose knowledge of foreign courts and interests might render him an able negociator. There again he should be disappointed; for no such person was to be found in that office. Was it at the Treasury or Admiralty-boards his enquiries were to meet with the satisfaction sought? Alas! he had little reason to look for success at either. After a fruitless search through all the departments of the state, the hon. gentleman had led him to the court of Chancery. There, indeed, he acknowledged a noble and learned lord sat, of the first abilities, who did infinite honour to his bench; his lordship was in full possession of public confidence, but it was a confidence in the chancellor, in the noble lord's professional abilities, not as a minister; for the people did not suppose that his station, his habits, or the duties of his office, allowed him much time to turn his attention to the political interests of the nation, or fitted him for the task.

The hon. gentleman had taken an admirable method of commending administration, by saying, that there were men more incapable among those who aspired to their places. He did not know how ministers would receive this awkward and paradoxical compliment, but he knew that if he were a minister, and a man should come to him and say, "Sir, I cannot defend you on the ground of your own conduct, it is so replete with blunders, absurdities, and inconsistencies, that all my abilities cannot even palliate them; but I will tell you what I can do to serve you: I will inform the world, that the men who oppose you are more ignorant, more inconsistent, more infamous and more disgraceful than yourself." On hearing such an address, for his part, he would instantly reply, "Begone! begone, wretch! who delightest in libelling mankind, confounding virtue and vice, and insulting the man whom you pretend to defend, by saying to his face, that he certainly is infamous, but that there are others still more so."*

* The consequence of this Speech was a duel between Mr. Fox and Mr. Adam, in which Mr. Fox was wounded. The quarrel is sufficiently explained by the following Letters and Statement, which were published at the time by authority:

Mr. ADAM to Mr. Fox.

St. Alban's Tavern, Saturday, 4 o'clock
afternoon, Nov. 27, 1779.

Mr. Adam presents his compliments to Mr. Fox, and begs leave to represent to him, that upon considering, again and again, what had passed between them last night, it is impossible for him to have his character cleared to the public, without inserting the following paragraph in the newspapers.

"We have authority to assure the public, that, in a conversation that passed between Mr. Fox and Mr. Adam, in consequence of the debate in the House of Commons, on Thursday last, Mr. Fox declared, that, however much his Speech may have been misrepresented, he did not mean to throw any personal reflection upon Mr. Adam."

Major Humberston does me the honour of delivering this to you, and will bring your answer.

Mr. Fox to Mr. ADAM.

Sir; I am very sorry to say that it is utterly inconsistent with my ideas of propriety, to authorise the putting any thing into the newspapers relative to a speech, which, in my opinion, required no explanation. You, who heard the speech, must know, that it did convey no personal reflection upon you, unless you felt yourself in the predicament upon which I ani-

Some gentlemen have been pointed out in the general invective alluded to, and high as his opinion of their abilities was, he believed, it was not in their power to save their country at present, at least without an absolute change of system; of measures as well as men; bottomed on the full and unreserved confidence of the sovereign on one side, and every assistance which such a constitutional confidence could give; nay he believed that if even the great earl of Chatham were alive, a man in whom the people believed to reside a *quoddam divinum*, he would be found unequal to the task of saving, of restoring, the glory and dignity of the British empire, if the present ruinous system were not first done away, and the very seeds of it exterminated. The words of the Amendment were taken, he said, from his lordship when he first heard his opinion on the necessity of a real change, a change that would effectually operate to bring about the purposes for which it was designed; a change of system, without palliatives. He confessed he did not then clearly understand the noble lord's meaning, but he had been since fatally con-

vinced. The account of my speech in the newspapers is certainly incorrect, and certainly unauthorised by me; and therefore, with respect to that, I have nothing to say.

Neither the conversation that passed at Brookes's, nor this letter, are of a secret nature, and if you have any wish to relate the one, or to show the other, you are perfectly at liberty so to do. I am, &c.

MR. ADAM to MR. FOX.

Chesterfield Street, half past three,
Sunday, November 28, 1779.

Sir; as you must be sensible, that the speech printed in the newspapers reflects upon me personally; and, as it is from that only that the public can have their information, it is evident, that unless that is contradicted by your authority, in as public a manner as it was given, my character must be injured. Your refusal to do this, entitles me to presume that you approve of the manner in which that speech has been given to the public, and justifies me in demanding the only satisfaction that such an injury will admit of.

Major Humberston is employed to settle all particulars; and, the sooner this affair is brought to a conclusion, the more agreeable to me. I have the honour to be, &c.

STATEMENT.

Monday, Nov. 29.

In consequence of a previous misunderstanding between the hon. Mr. Charles Fox and Mr.

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vinced of its true import, which strengthened the former opinion he entertained of that great man's political penetration and transcendent abilities. He saw very early indeed, in the present reign, the plan of government which had been laid down and had since been invariably pursued in every department; it was not the mere rumour of the streets that the King was his own minister; the fatal truth was evident, and had made itself visible in every circumstance of the war carried on against America and the West Indies. There was not the least intelligence in the West Indies perceptible between the King's officers in the most kindred departments. Had not all such intelligence been destroyed by an invisible cabinet influence, could it ever have happened that there should be in one of our lately captured islands 150 pieces of ordnance, and only 40 men to work them? Could there have been in one place cannon without balls, and in another balls without cannon? In short, could mere ignorance in ministers produce of itself so many complicated blunders as the last seven years have furnished, to render the present reign the most disgraceful period in the annals of this country?

He then asked, what was become of

Adam, they met, according to agreement, at eight o'clock this morning in Hyde Park. After the ground had been measured out, at the distance of fourteen paces, Mr. Adam desired Mr. Fox to fire; to which Mr. Fox replied, "Sir, I have no quarrel with you; do you fire." Mr. Adam then fired, and wounded Mr. Fox, which, we believe, was not at all perceived by Mr. Adam, as it was not distinctly seen by either of ourselves. Mr. Fox fired without effect. We then interfered, asking Mr. Adam if he was satisfied? Mr. Adam replied, "Will Mr. Fox declare he meant no personal attack upon my character?" Upon which Mr. Fox said, this was no place for apologies, and desired him to go on. Mr. Adam fired his second pistol without effect. Mr. Fox fired his remaining pistol in the air: and then saying, as the affair was ended, he had no difficulty in declaring, he meant no more personal affront to Mr. Adam than he did to either of the other gentlemen present; Mr. Adam replied, "Sir, you have behaved like a man of honour." Mr. Fox then mentioned that he believed himself wounded; and, upon opening his waistcoat, it was found he was so, but to all appearance slightly. The parties then separated; and Mr. Fox's wound, was, on examination, found not likely to produce any dangerous consequence.

RICHARD FITZPATRICK.

T. MACKENZIE HUMBERSTON.

the American war? that war which had cost this nation so many millions, and so much bloodshed from our brave countrymen! Was it too trifling a subject to challenge any part of his Majesty's attention, or to have the least notice taken of it in the Speech from the throne? or was it totally extinct and given to oblivion? The American war was now, it seemed, treated with the same silence in his Majesty's Speech as he would treat the war of ancient Troy, with which he had nothing to do. But he wished ministry would speak out and say whether the American, like the Trojan war, was totally past, and no longer to be remembered in that House? If that was their determination, where was the British army under sir Henry Clinton? why were our brave countrymen to be kept in a state of disgusting inactivity where no war was to be carried on? If there was no American war in fact existing, except in the swelled catalogue of our public accounts, why was an army of 60,000 men suffered to moulder away at New York, and be the painful witnesses of the enemy's unrepelled attacks? to see their near posts carried by the enemy without an effort on their part to preserve them? If it was true that general Clinton had an army of Americans only, who exceeded the number of Washington's whole force, how was this inactivity to be accounted for?

He next took a short review of the naval and military operations in the West Indies. He displayed the weakness of administration in sending out 3,500 men with admiral Arbuthnot, to reinforce an inactive army, already sufficiently numerous, if they were themselves to be believed, when with that force our islands, now in possession of the enemy, might have bid defiance to the descent of count D'Estaing. He gave praise most liberally to that part of the British fleet which engaged the count; but inveighed strongly against the authors of the unfortunate circumstance respecting the powder, by which our seamen saw their balls fall harmless into the water short of the enemy, whilst our ships received the greatest damage at the same time from their shot. He expatiated very powerfully upon the neglects by which our coasts and docks were exposed to danger during the late alarms of invasion: and made many severe comments upon the operations of the navy on that occasion; particularly on the dishonourable circumstance of their flight from an enemy, su-

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perior to them indeed, but which became so, by the shameful folly of administration, in not preventing the junction of the fleets of Bourbon.

The minister had ventured to assert, that we were now in a better state than we were in at the close of the last session. And how does he prove his assertion, says the hon. member? "the enemy intended to invade us and they have not done it." (At the same time, by the bye, the noble lord had expressed his wishes, that they had landed.) Now the only better prospect the noble lord has in view for his country next spring is, that they may again attempt and happily that they may then be able to effect their purpose. If so, that this year we were in more danger because the enemy did not land; the next year we shall be in less danger, because they probably may be more successful, and actually effect a landing.

He then adverted to the mismanagement of the army; mentioning the general dissatisfaction that prevailed amongst the officers, on account of the mode of promotion in the new levies. They did not murmur at little partialities shewn to a Rutland or a Harrington; the usage of the army suffered some little deviation from the strict rules of promotion in favour of such men, and to attach them to the service; but when officers of long service are told by a secretary at war, "You cannot have this or that promotion, because you are in the army; but it may be given to such or such a person, because he never was in the army," who can wonder at their universal disgust? "A very worthy friend of mine," said he, "(lieut. colonel Campbel) being under orders to go to Jamaica, applied for the rank of colonel upon that service, but was answered, that it could not be granted to him; but it was granted to lord such a one." "Very true, but he never had any rank before, and he will only hold it during the war." The reasoning deducible from this answer is not incurious; and the conclusion is most worthy of remark. Says the Secretary at War, he that never served before, and is presumed to be ignorant of the military profession, shall command you that are skilled in the art, during the war, when military abilities are so essentially necessary in command; but make yourself easy about that, for when the war is over, and military skill is become less necessary, you shall command him. The absurdity of this reasoning is

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only to be equalled by the ingenious finesse which has been introduced by somebody, to obviate the difficulty with respect to officers on half pay, who consent to a temporary forfeiture of a lieutenant's rank on the old establishment, in order to obtain a company in one of the new regiments. The officer subscribes a paper, by which he engages to give up his rank as a lieutenant for ever; and the commander in chief signs a defeasance at the bottom of it, by which he engages that the officer shall be restored to his rank at the end of the war! He concluded this subject by challenging the Commander in Chief or the Secretary at War to say, whether either of them or whether any one was responsible for the army department.

It was asserted in the speech from the throne, that the nation had to contend with one of the most dangerous confederacies that ever was formed against the crown and people of Great Britain; and in so perilous a moment the minister avowed that government had not a single ally to look to for assistance. But that was not the fault of administration; it was owing to the ingratitude of the European powers. All America had revolted from us; but that was not the fault of administration; it was the disloyalty of the colonists. We had lost a considerable part of our West India possessions; but that was not owing to the indolence of ministry; it was owing to the activity of D'Estaing, who took them from us! Ireland was in a tumult, and Scotland began to grumble; but our immaculate ministers were still without blame; the Scotch and Irish were themselves the causes of their own disturbances. This was another mode of reasoning with which ministers and their advocates insulted the understanding of parliament.

The noble lord in the blue ribbon had disclaimed the doctrine held out by the followers of administration, relative to the King's being his own minister, but yet it was most certain that such a doctrine was daily dispersed by his followers, probably with an intention of paying their court to him, by propagating opinions the most disagreeable to their patron! The doctrine, however, was in itself highly dangerous to the constitution, as it tended to take responsibility from the shoulders of the ministers and place it on a personage who could do no wrong, and could not be called to account. However, he would observe, that though, in general, the evils of a reign were attributed to the wicked

counsels of an abandoned ministry; yet, when these evils reached to a certain height, ministers were forgotten, and the prince alone was punished. Thus it was with the royal House of Stuart, Charles and his son James had both wicked ministers, to whom, no doubt, the errors of their reigns ought to be chiefly ascribed; and yet they themselves were punished, the one by the loss of life, the other of his crown. This should be a lesson to sovereigns, and teach them to check their ministers, and not suffer themselves to be blindly led by them, as they themselves may, for their ministers, bear the whole weight of their people's indignation.

There was not, he observed, in the whole history of this country, a period that resembled the present, except the reign of the unfortunate Henry 6. His family, like that of his present Majesty, did not claim the crown as their hereditary right; it was by revolutions that they both obtained it. Henry was an amiable and pious prince; so was his present Majesty: Henry was the son of the most renowned monarch that had ever sat upon our throne; George was the grandson of a hero: Henry lost all his father's conquests, and all his hereditary provinces in France: George had already seen the conquests of his grandfather wrested from him in the West Indies, and his hereditary provinces of America erected into an empire, that disclaimed all connection.

His Majesty had set out in life with the brightest prospects that a young man could have wished for: possessed of immense dominions, and the warmest affections of his people, his accession to the crown was completely flattering both to himself and his subjects. How sadly was the scene reversed! his empire dismembered, his councils distracted, his people falling off in their fondness for his person. He said he only spoke within doors the language that was held without: the people were beginning to murmur, and their patience was not unlimited: they would at last do themselves justice; there certainly would be insurrections; and though it was impossible that the calamities that would attend them could be justified, or compensated by any good that could be obtained by them, yet they certainly would take place.

It was not a secret to that House, that the present sovereign's claim to the throne of this country was founded only upon the delinquency of the Stuart family; a cir-

cumstance, which should never be one moment out of his Majesty's recollection. It was true, indeed, that the unfortunate race of that name, was universally detested in this country; and therefore his Majesty had little to fear from their pretensions: but he should ever remember that it was the conduct of wicked and ignorant ministers that excited that detestation for them. If there was at this day one of that unfortunate House remaining, what a scope for upbraidings and remonstrance could he not find in the present reign! Could he not say, "You have banished my ancestor from the throne, and barred the sceptre from all his progeny for the misconduct of his ministers, and yet the ministers of the present reign are ten times more wicked and more ignorant than those were, and whilst you all agree in giving to your present sovereign the title of best of princes, his ministers have rendered his reign beyond any degree of comparison, the most infamous that ever disgraced this nation." The minister, though with such a load of national censure and national calamity on his head, has the hardness to boast of his innocence; but it is not a conscious rectitude of mind that could excuse a minister from criminality. What he calls innocence may be another name for ignorance, and ignorance in a minister is a crime of the first magnitude. But the wide ruin that the counsels of administration had spread through this great empire, and the miserable state to which they have reduced it in the short space in which the present parliament had been sitting, was so far beyond the natural effects of mere ignorance, that he could not help adopting the opinion of his hon. friend (Mr. T. Townshend) that there was treachery at the bottom of the national councils. The noble lord might flatter himself as much as he pleased in the protection of a majority, or in the security of the law; but when a nation was reduced to such a state of wretchedness and distraction that the laws could afford the people no relief, they would afford a minister who had caused the evil but little protection. What the law of the land could not do, the law of nature would accomplish; the people would inevitably take up arms, and the first characters in the kingdom would be seen in their ranks.

After drawing a picture of the narrow and impolitic system of the present reign, and contrasting it with the freedom and glory of this country in the reign of our

great deliverer, the immortal William 3, he turned his observations to the state of Ireland, which he said at present afforded one of the most critical situations, in which the two kingdoms ever stood with respect to each other. Every evil that threatened us from that quarter he imputed directly to the bad policy of administration last session. He did not mean, then, to offer any opinion upon what steps were proper to be taken in such a crisis. Circumstances were arrived at that nice point of delicacy, that even the power of deliberation was almost taken away from that House. The situation of affairs was so very delicate, that it was not easy for members to treat the subject in a becoming manner. They were almost as effectually barred from giving a free opinion on the case, as the members of the Irish House, who had the bayonet at their breast, and were sworn by compulsion to vote as the people dictated. But as he would not deliver his opinion in that House, neither should any man know from him then what he thought ought to be done; he would venture to point out three lines of conduct, one of which he was certain must be adopted. England must resist altogether the demands of Ireland, or she must grant them in part or in the whole. If administration intended to resist their demands, he counselled them for the sake of mercy to do it instantly, and with every possible effort of their force: if they meant to grant the whole of their demands, he as earnestly advised them to do it without hesitation; although he could not but say, that even their readiest compliance would not now be considered as a concession; the refusal of their more reasonable requests in the late session, and the loud voice now raised in that country, would sufficiently mark it with the stamp of necessity.

If they should deem it proper to grant their demands only in part, he asked if they thought Ireland would now be content with what she asked last session, and which was then fatally denied to her? As he believed every man in that House would answer the question in the negative, he desired administration would draw from it this lesson, not to adopt the same little line of conduct that they had pursued with respect to America, and not deny in one session what they offer with additions the year following, yet still continuing to make little bargains until they have nothing left to bargain for. He then ap-

pealed to the House upon the propriety of their voting an address of thanks to his Majesty for his "attention to the state of his loyal and faithful kingdom of Ireland," and challenged ministry to point out a single instance in which that attention had been manifested. The noble lord at the head of the Treasury could not surely be in earnest when he declared that the American war had nothing to do with the affairs of Ireland. Did not that ill-fated project appear most conspicuous in every circumstance of the present condition of that kingdom? What stripped Ireland of her troops? Was it not the American war? What brought on the hostilities of France and put Ireland in fear of an invasion? Was it not the American war? What gave Ireland the opportunity of establishing a powerful and illegal army? Certainly the American war! When he called the associated forces an illegal army, he did not mean to cast any odium upon the associations. He was equally ready to acknowledge the necessity and the merit of the plan: but it was the accused American war that made that measure necessary, and rendered illegality meritorious.

If he might be allowed to hazard a conjecture upon the determinations of government with respect to Ireland, he thought it might be fair to believe, that they were disposed to make large concessions. The appointment announced that day, of the earl of Hillsborough to be one of his Majesty's secretaries of state, was the ground of this opinion. It was but lately that his lordship had communicated the thanks of the Irish parliament to their associated companies; and it was generally said, that he had accepted the office upon the royal promise, that Ireland should have an equal trade. How a certain learned member (the Attorney General) could bring himself to support the man whom he had once menaced with an impeachment, he could not easily divine. He was equally at a loss to assign any reason for the supernumerary appointment of another noble earl (Carlisle) to the board of trade. There appeared no reason for increasing the number of commissioners at that board, at a time when the object of its business was not only decreased, but almost totally lost, except the most prodigal profusion of the public money. At the same time he thought it his duty to say, that he entertained a very great respect for that young

nobleman's private character, though he considered his public abilities much too highly rated for his years and experience. He remarked how depraved, indeed, that administration must be, when those who had supported them through so many dirty measures, were ashamed to associate with them any longer, and made room for the changes which had happened on that day. But it was not by changes of that sort that the nation could be relieved and its consumptive constitution restored. Such changes were but palliatives, and nothing but an implicit compliance with the Amendment then under consideration could save us from the hastening ruin, restore the empire to prosperity, and add grandeur to the prince on the throne, by making him the happy sovereign of a free and affectionate people.

Mr. Henry Dundas (Lord Advocate of Scotland) in reply to Mr. Fox, declared a total ignorance whether the hon. gentleman's accusations of the ministry were or were not well-founded. The Amendment moved by the noble lord was open and direct, though it contained nothing specific. He was, however, uninformed of many of the facts so warmly urged, which he presumed were the real or ideal facts, on which the noble lord and his friends wished to support it. He presumed he stood in the same predicament with many gentlemen, who, like himself, had spent part of the summer and autumn in the country, far distant from the capital; and who were consequently unable to decide with justice upon the great variety of complicated facts, which were maintained with so much confidence in support of the Amendment. He had a pre-sentiment, that such efforts would be made to impede government, and embarrass his Majesty's servants, in conducting the business of the nation at so early a period in the session. With an attention to what might happen, though he thought it improbable, contrary to his customary conduct at this season of the year, he had turned his back upon his professional avocations, to give his sentiments on the earliest measures of parliament: but without any fearful apprehensions for the King's servants; because, though he did not know it, he had every reason to believe, that they would be able to meet parliament with confidence and tranquillity of mind, arising from a consciousness of having discharged their duty.

He saw, he said, then before him, two propositions; one of them plain, direct, clear, applicable, and uncontradicted in any part; the other, irrelative, complicated, unsupported, unexplained, and inexplicable in every part. By the first, he was called upon to vote for an address, which every side of the House acknowledged was perfectly suited to the existing circumstances of the times. It, indeed, might be reduced into an extreme narrow compass; for it imported this simple alternative, Will, or will not, the people of Great Britain unite as one man, on the principle of self-defence, in the most vigorous exertions, to protect their lives, liberties, property, and constitution, against the ambitious and treacherous confederacy of their powerful and inveterate enemies? This being the plain ground which presented itself, with respect to the first proposition, it naturally led him to enquire, whether the Amendment was, or was not, so immediately relative to the apparent object held out in the Address, that the two should come under discussion at the same time? He held, that no such necessity existed. The first proposition, in which both sides agreed, could not affect, much less impede or destroy, subsequent enquiry; or if censure or punishment should appear to be due, which he presumed was the object pointed to in the other proposition contained in the Amendment, so laconically couched in the quaint terms of "new counsels and new counsellors," which in this stage of the business, he could not help observing, had little more than hearsay, presumption, and declamation to support it; nor a tittle of evidence, or shadow of proof; not a single fact had been adduced by the friends of the amendment in its support.

Much, indeed, had been said about conversations held in particular places not named; by particular people not known; and the vague, extravagant, and unascertained language, collected in the streets and coffee-houses, or fabricated for particular purposes, by the Lord knows whom, and the Lord knows where. But was there even a colour of authenticity mixed with those strange stories and improbable anecdotes, sufficient to induce the most greedily credulous, to put confidence in such suggestions, much less to justify parliament in coming blindly and uninformed to so rash a conclusion, as that of deciding on the merits or demerits of his Majesty's confidential servants, and constitutional

advisers, without exception, or the least discrimination of any kind? For his part, no such conversations had ever reached his ear. He knew of no man in a responsible office who held the language which had been so confidently ascribed to the members of the cabinet, either in public or private, such as, that the King was his own minister, and that they held themselves totally irresponsible in the several departments over which they presided. Upon whom the responsibility of the army department lay, he would not pretend to say: but he could venture to promise for his right hon. friend, the Secretary at War, that he would, before the House came to a division, explain how that matter stood, to the full satisfaction of the House. The noble lord in the blue ribbon had already disclaimed any knowledge of the matter, or having the least idea of the insinuation thrown out; and he had little doubt, but it would be as strongly reprobated by every other member of administration who enjoyed any office under government, which the constitution held to be a responsible one.

As to the affairs of Ireland, he did not consider them as the hon. member (Mr. Fox) did, to be of a nature and tendency so peculiarly critical and alarming, that any species of delicacy or over-strained reserve, should deter honourable members from giving a fair, direct, and unqualified opinion concerning them. If such ideas prevailed with some gentlemen, he assured the House that nothing of the kind had taken possession of his mind. He came into that House, in order to deliver his opinion upon matters as they struck him, and he never wished to conceal his sentiments when he thought it a part of his duty to divulge them. Ireland was known to be in imminent distress, and should, in his opinion, become an object of immediate and effectual relief; that relief, too, must in its nature be liberal. The age was liberal, and a liberality, and unrestrained or at least an unclogged system of commerce, was of its very essence. England, he was certain, would readily grant Ireland, whatever the latter could reasonably or equitably expect. Ireland, he was equally certain, would demand nothing from England, which it would be improper for her to grant.

He then turned his attention to some of the facts which had been so confidently insisted upon by several gentlemen on the opposite benches. In contradiction to the

loose and indefinite charges made against administration, relative to the naval operations of the last summer, he would venture to say, though he was a landsman, that the consequences produced by the operations of our grand fleet in the Channel, under sir Charles Hardy, in the hour of intended conquest and invasion, were salutary in the highest degree, brought security to our trade, tranquillity to the minds of the people, and filled the enemy with disappointment, and the people of France with discontent. What greater exertion could be imagined, or what effect could exertion produce more than that which was exhibited by the navy of England, under the command of that brave, skilful, and experienced seaman? Have we not seen that veteran admiral, with a fleet of 38 sail of the line, keep 66 sail of the enemy collected together for several months, and occupy their whole time, and by that means divert that enormous force from other operations, which might, had the combined fleet not been thus amused, have proved fatal to some of our distant dependencies? Our trade came home under convoy from every quarter of the world. Did we not, by the vigorous exertions of so inferior a fleet, prevent every hostile operation of the combined squadron, and defeat their grand and boasted purposes of an invasion? While such effectual efforts had been making for the home defence, administration were not neglectful of that of our West India Islands. Care had been taken to send out a fleet for their protection, superior to that of the enemy in those parts: but in the moment that the commander in chief on that station (admiral Byron) thought fit to give his immediate attention to the conveying of our trade into a certain latitude, the enemy found an opportunity to reinforce themselves, and thereby acquired a temporary superiority over us. He did not mean to impute any blame to the hon. admiral. His conduct in the instance now mentioned might have been highly commendable; but such a fortuitous event could not, by any principle of candid construction, justify a charge of ignorance, neglect, or inability, on the part of administration.

He next proceeded to remind the gentlemen who supported the amendment with so much warmth, of the very strong apprehensions expressed by them last year for the safety of this country. The whole force which government were able at that time to collect at home was considered by

them as totally inadequate to the sole object of internal defence; and now when their attention to that object had given refutation to that opinion, he could not but hear with the fullest astonishment, the same gentlemen urging it as a crime in the servants of the crown, that they had not taken away from the force under sir Charles Hardy, which in the same breath they describe as inadequate, for the purpose of reinforcing the squadron in the West Indies; which amounted just to this, that ministers acted wrong in weakening the home defence, when we preserved an equality, and had only France singly to contend with: but that, when France and Spain had leagued against us, with a superiority of nearly two to one, they acted equally wrong, in not detaching, and still rendering the home defence weaker.

Such strange contradictions were men driven to, who reasoned and offered to decide upon the events of a moment, or to answer the temporary purposes of party. The home defence was the first object with them, when no danger really threatened; when, on the other hand, the most gloomy appearances presented themselves on every side: the very identical gentlemen shifted their ground, or rather directly contradicted their former reasonings and conclusions; which mode of arguing became, if possible, more contradictory and absurd, when it was recollected, that but for the fortuitous circumstance alluded to, of the hon. admiral's quitting his station, no such detachment would have been wanted; consequently, according to every rule of rational deduction, no such want could be foreseen. Upon the whole, he was firmly persuaded, that the general condition of the empire, at the moment he was speaking, was much better than at the close of the last session, consequently he could by no means consent to vote for an Amendment, founded upon charges without proof, much too complicated for hasty investigation and sudden decision, and upon which he, as an individual, was totally uninformed.

Mr. *Burke* rose to speak, but finding a great difficulty in making himself heard in the distant parts of the House, on account of a violent cold and hoarseness, he sat down once or twice, and would have declined speaking, had he not been pressing solicited by the unanimous sense of the House to proceed.

He first observed, on the speech of the learned gentleman who spoke last, that if he meant any thing by the distinction

which he took between the two propositions, or by the reasons which he assigned for adopting the one and rejecting the other, his meaning must amount to this: There are two propositions before me; one of them means nothing, the other means something; that which means something I will reject, and I will vote only for that which means nothing. To prove the truth of this deduction, from the learned gentleman's premises and conclusions, and the fair interpretation of the argument which he endeavoured to maintain, the learned gentleman himself, said Mr. Burke, shall be the author of his own conviction. Hear his words:—"Here is a proposition, in which both sides of the House agree." Now, it is mathematically demonstrable, that the two parties diametrically opposite, as the learned gentleman himself shrewdly observed, can never agree upon the terms of a proposition, applicable and growing out of the subject of disagreement subsisting between them, which means anything. It was therefore fair for him to conclude, that the proposition which met so hearty an approbation from the learned gentleman had no meaning at all, and was in fact a *purum nihil*. The reasons assigned by him for rejecting the Amendment, were no less extraordinary than his motives for adopting the Address.

The learned gentleman voted for one, because it had no meaning in it; and against the other, because he was totally ignorant of what it meant. After the very unreserved avowal which the learned gentleman had made relative to the measures of administration, and which unbounded ignorance was the only apology he had to offer for not voting for the Amendment, it must certainly be admitted by every man, who had enjoyed the pleasure of hearing his extraordinary mode of ministerial defence, that he was well qualified and a most able defender of such an administration. It was certainly an unquestionable proof of his courage, that he ventured to appear in the House, when an endangered ministry, encompassed with so many perils, with such unanswerable arguments as those of total ignorance, and on that dreadful and perilous day too, the first day of the session, which he had sagaciously remarked, though he could not pretend to say whence he drew his information, that it was likely to prove so fatal to the minister. Such an advocate was worthy of such a cause, and afforded a very striking instance of the blind leading the blind!

Ignorance, instead of a proper ground of defence, was the crime of administration, and its still, if possible, more ignorant defenders and retainers. The House was then debating upon the propriety of demanding from the throne, as a matter of necessity, the removal of ministers, of his Majesty's counsellors; he therefore desired to know whether disability could furnish a better ground than the noble lord in the blue ribbon himself had unwarily afforded, when after the long notice his lordship had received from that House, and the alarming motives which he had for an enquiry into the state and condition of Ireland, and for considering of a proper and adequate relief for those wants, the noble lord came into the House that morning, and in the course of the evening, openly confessed that he was equally ignorant of the disorder and the cure. Could there be a better reason urged by the most inveterate enemy, for the dismissal of a minister, than such a confession? a confession, indeed, which required no comment, and carried conviction on the very face of it. Could the House, after such a confession, hesitate a moment to vote an address for his immediate removal?

His hon. friend (Mr. Fox) had expressed himself so copiously and so much to the purpose, upon the misconduct of ministry in every respect, and in every department of government, and he was so little able, from his hoarseness, to enter diffusively into a consideration or review of the same subjects, that he would postpone many observations to another day; but he could not avoid repeating after his hon. friend, that however the noble lord at the head of the Treasury might pretend to disunite the business of the American war, from the present affairs of Ireland, and the temper and disposition of the people there, his lordship would find the mad, cruel, and accursed American war, written in the most legible characters, in every single cause, circumstance, and step which had contributed to call forth the spirit, the resentments, and resolution of the Irish nation, whether already in actual existence, or in embryo, ready to burst forth with tenfold mischief, or in a storm strike this nation, and shake it to its lowest foundations.

The affairs of that country were indeed arrived at a very critical period; the situation was tremendous, so far as it might in its consequences, immediate or remote, affect the seat of empire. So far were the

Irish from expecting any adequate relief from the minister, that they imputed, and in his opinion very justly imputed, a considerable share of their present calamities to his misconduct; it was true that the noble lord had often rung the changes on his attention to their wants and wishes; but instructed by experience, they had been at length taught from the repeated promises and delusive hopes held out by him, which were broke as often as they were made, or vanished in unsubstantial air, not to have the least confidence in a single assurance he gave them. They saw clearly into the duplicity of his conduct, and they were convinced of it beyond a possibility of doubt in the course of the last session, when a few very small favours were asked for them in the moment of calamitous distress. Part, and but a very small part of them, was granted; the rest, he had good reason to believe, would have also been granted, notwithstanding the petty peevish opposition of a few individuals; but the noble lord who at first pretended to wish the measure success, in hopes to keep upon good terms with the people of Ireland, whilst the odium of refusal should fall upon parliament, finding by the temper of the House, that the other Bills were likely to pass, came forward und taking off the mask, threw them out by his own majority. After so deceptive and uncandid a conduct, what confidence could the noble lord expect from the people of Ireland? or what could Ireland expect from the noble lord's generosity? The Irish were put off till the present session for relief. In the mean time, their expectations increasing in proportion to their wants and distresses, and their spirits rising in proportion to their injuries, what would have been received as a favour, was now demanded as a right. Disappointment irritated them, and precipitated their passions; and the consequence was such as might be reasonably expected: the whole country was in a ferment. The effects of this treatment spread itself every where, and through all classes and descriptions of men; it indeed might be asserted, without figure or exaggeration, that there was not a second opinion entertained, from one end of the kingdom to the other. But what was the plan adopted by government here, to allay the heats, moderate the expectations, or calm the passions of the people of Ireland? To the overthrow of common sense, to the astonishment of mankind, and in direct contradiction and

defiance of every maxim of good policy, instead of calling the parliament of this country before that of Ireland, and giving the Irish some certain pledge of our good intentions towards them; before their parliament was suffered to assemble, the minister, grossly departing from every motive of prudence and common policy, prorogued the British parliament and called together the parliament of Ireland. To that single act of folly might be fairly and exclusively ascribed, the unanimous vote of both the Houses of the Irish parliament, insisting upon a free trade. To that criminal neglect and fatal omission, we were to impute the tumult and alarming riot which lately happened in Dublin; and to that we might fairly charge, any failure or material difficulty or obstruction which might arise, or in the end defeat the final establishment and protection of the real interests and separate rights of both countries, founded on the great basis of mutual benefit, and sisterly friendship and affection. The present scene was, indeed, a melancholy and alarming one, and if any mischievous consequences should ensue, he might to the face of the noble lord in the blue ribbon boldly and justly assert, that they were generated in the beginning by the oppressive and cruel conduct of the ministers and government here; that they had been fostered by the folly and gross ignorance of those counsellors, whose removal the Amendment pointed to; and could only prove fatal, if the same counsellors were to be kept in by the influence of the crown, against almost the united sense of the nation.

The noble lord at the head of the Treasury had been warned last session of the impropriety of proroguing the parliament, at so critical a moment; but the warning was given in vain, and the advice that accompanied it rejected by the noble lord, under the plausible pretence, that it could be called in fourteen days, if the exigencies of affairs required, or any circumstance should arise, during the intended recess, that might specially call for it. Yet parliament was not assembled, the noble lord, therefore, had taken upon himself all the eventual consequences of that omission, for had that House continued to sit, except in the intervals of short adjournments, till some time anterior to the meeting of the Irish parliament, the discontents and disputes between the two kingdoms, on the subject of trade and commerce, would never have arisen as

they have done, nor would such difficulties have taken place as those which now stand in the way of an easy and friendly accommodation. He therefore gave his hearty concurrence to the Amendment moved by his noble friend.

Mr. *Jenkinson* (Secretary at War) acknowledged that the clause in the Militia Act, which empowered the crown to raise regiments on the footing of the Scotch fencibles, might have been stretched too far, but no blame in respect of that circumstance could be laid to government; the ministers wished to restrain the clause to one half of the number which it had been extended to; but the very gentlemen who had since ventured to censure the measure as injurious to the regular recruiting service, were the persons who overruled the ministers' plan. If any injury had been suffered by the conduct of the commander in chief, in that instance, he was persuaded, that the noble lord at the head of the army, had conducted himself in a very unexceptionable manner, and that he was influenced throughout, by the most pure and honourable motives. Discontents had been imputed to the army, on account of commissions granted to some noblemen and gentlemen, contrary to the accustomed rules of military promotion. It were, indeed, to be wished, that such deviations could be avoided; but the pressing exigencies of the times, when almost every thing was to be risked, both within and without, inviting and encouraging every species of assistance, all that could be derived from sudden and extraordinary levies became necessary. Private feelings, in his opinion, ought at all times to be sacrificed to public necessity. As to the agreement which had been alluded to by an hon. gentleman, between the commander in chief and the officers on half pay, he had never before heard of any such mode of contract, in any instance, much less could he give credit to it in the loose manner in which he heard it stated. He could hardly be persuaded, till he was informed through more authoritative channels than hearsay and mere floating rumour, that an officer who had commanded with so much reputation, and who had won the confidence and affection of all who had served under him, could, in the narrow compass of one year's command at home, have rendered himself so unpopular, as some gentlemen seemed inclined to insinuate.

After dwelling particularly on the
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charge made early in the debate, that the King was his own minister, and that it was the condition on which the present servants of the crown held, to shelter themselves behind the throne, and fly from all kind of responsibility, under that mean subterfuge. This was a language, he declared, which had never before come to his knowledge or hearing. It was not the language of ministers, within or without that House. It was not their language any where. With respect to his own department, he disclaimed in the most unequivocal terms any such idea. He looked upon himself responsible for every thing transacted in his office, so far as the same was really within his controul, and of course answerable for every act of misconduct in the war office, in making provision of every kind for the troops; but the patronage of the army was not lodged in his hands; it was much more properly disposed of, by being deposited in the hands of the noble lord, the present commander in chief, whose professional experience must enable him to judge of the different pretensions of those who were candidates for military favour and protection.

Mr. Secretary then adverted to the Amendment, of which he expressed his most unreserved disapprobation; because it was incontrovertibly evident, that it conveyed censure without proof, and decided without enquiry. The comparison which had been made between the last and present reign, was fallacious and totally unfounded. He revered the memory of the late king, as much as any hon. gentleman present, who now spoke of him with such invidious praise; but surely, it would not be denied, that his reign would furnish us with many instances of misfortunes and misconduct. There were periods of it, glorious as it was allowed to be, when the empire was in situations worse than that in which it was at present; yet it fortunately emerged out of them, and the late king terminated his reign in a series of national glory, and unprecedented success; which consideration, strengthened by other grounds of persuasion, left not a single apprehension on his mind, but his present Majesty, having met similar embarrassments in the early part of his reign, would live to enjoy the satisfaction of beholding his people as prosperous and happy as any of his most favoured predecessors.

The Attorney General apologized to the
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House for troubling them at so late an hour, a liberty which he certainly would not have taken, but for some particular expressions which had dropped from a very able and eloquent speaker (Mr. Fox) and which being particularly levelled at him, seemed to challenge from him at least a word or two of reply. He should not attempt to follow the preceding speakers, through all the latitude of their various charges against administration; he should not enter into any detail of the late operations, naval or military; nor should he dip into or discuss the politics which dictated the measures of the cabinet, during the past summer. He should neither give praise or blame to the counsellors of the crown, nor enquire into the merits or faults of the naval or military officers, who were intrusted with the execution of their plans. He should take the question abstractedly upon its own merits. He should confine himself merely to the two propositions then before him, the Address and the Amendment, and he trusted, that he could make it appear to the perfect satisfaction of the House, that the impropriety of the latter was deducible from the very ground upon which the Amendment was moved; and that the rejection of it would appear necessary, even from the very tenor of the proposition itself. There is an address, said he, moved by the noble lord, which is so free from every kind of exception, that no part of it has met with the least objection from any member in the House. Its tendency goes no further than to carry up to the throne, those expressions of duty and affection, which has ever been the language of parliament, in answer to the speeches of the sovereign. There was not a word in that Address, which could imply that parliament pledged itself to support any particular measure, or to oppose or protect any particular description of men. Having said this much in favour of the Address, he turned his attention to the Amendment, which condemned, without discrimination of guilt or specification of crime, not only all those ministers that had been in office, during the time when the circumstances arose, which have been laid to their charge by gentlemen who had spoken before him, but even some who had, as he then understood, entered into office but that very morning. This objection alone was indeed a sufficient ground for rejecting the Amendment; but he would urge another reason, which he trusted would be found unan-

swerable. The Amendment, according to the explanation given of it by the hon. gentleman (Mr. Fox) implied a request, not only that his Majesty would dismiss all his counsellors, guilty or guiltless, old or new; but that he would go still further, and adopt an entire new system of government. Taking the Amendment, then, in this view, it became necessary first to know, what the system of British government then was; and what was the system of government which was to be adopted instead of it? But as the hon. gentleman who gave that explanation, and seemed so desirous of making an alteration in the system of our government, had not thought proper to favour the House with his idea of what that system was, I will, said he, in as few words as possible, communicate to the House the idea which I conceive of the system of British government. I conceive that the constitution has placed the executive power of this government in the sovereign, the official functions of which are performed by persons of his appointment, each of whom is responsible for his conduct in office. It is absolutely necessary that the prince should, in this case, have free liberty to appoint those persons to the various offices which appear to him the most proper to fill them; otherwise the government would degenerate into an aristocracy, and become worse than a republic. If the prince were debarred of such a choice, the nobles would acquire a most dangerous ascendancy over the crown: or the Commons, encircling the King, like a spider's web, with a ministry, of their own choosing, would reduce us to the very lowest state of anarchy and confusion. Nay, so necessary is it, that even this House should give their confidence to ministers chosen by the crown, that without that confidence it would be impossible for the wheels of government to move with propriety. The task of ministry was truly arduous, and liable to much cavil; and equal as some gentlemen might suppose themselves to the duty of a minister, they would perhaps meet with very many failures and misfortunes, before they could be able to guide the storm which themselves had unfortunately raised.

He reprobated in the strongest terms, the insinuation of the hon. gentleman (Mr. Fox) who said, that the King was his own minister, and that the officers of the crown did not hold themselves responsible in their several departments. It was a doctrine which had never come to his ears

before. It was language contrary to the constitution; and had it even been possible for ministers to adopt such a language, the constitution would give them no credit for their error; for it has wisely affixed responsibility to all offices of such trust and consequence; and with respect particularly to the noble lord at the head of the army, whether he held his place by patent, or as the first general on the staff, there was not a doubt but he was in either case equally responsible for his conduct. He protested he knew nothing of the agreement alluded to between the commander in chief and the officer upon half pay, to give up the other to preserve his rank; and added a few words in justification of some deviations from the military etiquette, respecting rank and promotion. He thought it justifiable only upon the grounds of the necessity of the times, and gratitude to those who nobly stood forth to strengthen the hands of government, at a moment of general alarm. It was, however, by no means to be wished that such deviations should be frequent; and he flattered himself, that the approved prudence and discretion of the commander in chief, would not suffer the use of them to exceed the bounds of that necessity.

It had been agitated by gentlemen who had spoken before him, whether we were now in a better or worse state than we were in at the close of the last session. Upon that subject he would not go far for an argument to prove that our state was bettered. He would put the question to the feelings of the House, and ask if there was a man that heard him, whose mind did not join in his opinion? What was our situation during the last summer, when the terrors of a sudden invasion struck a panic almost into every mind? Did any such panic now exist? The enemy had endeavoured to put their threats in execution, but had failed in every attempt against us. Our militia, then raw and hastily collected, were now inured to a martial life, and exhibited the most martial spirit. Our fortresses were in a better state of defence, and those who were then overwhelmed with alarm, are now free of every apprehension; and in the eyes of Europe, our situation bears a most unproportionable degree of respect to what it did during the last summer.

Upon the subject of alliances he observed, that we were not without treaties of that nature with foreign powers: but those who know the force of such treaties

between independent states, must be too well convinced, that they generally bind only in proportion as either of the powers finds an interest in fulfilling them. Alliances have certainly been sought, but it is not the fault of his Majesty's ministers if they have not yet been obtained; it was however certain, that our present condition, for dignity and strength, was so superior to that of our late situation, that alliances with us now must be infinitely more desirable than they were the last year.

The temporary superiority which the enemy had acquired over us by sea, had been very forcibly urged by gentlemen, as an instance of great novelty in our history. But it was a circumstance, he said, of still greater novelty to see the two grand branches of the House of Bourbon, unite all their powers in a marine war against us, unimpeded by any continental broils, and joined in a determined resolution to reduce, if not annihilate, our naval commerce. Such arguments, therefore, must evidently be delusive, from the dissimilarity of circumstances in the application.

In reply to the contrast which Mr. Fox had introduced between our monarch and king William 3, he acknowledged every virtue that had been given to that great warrior and hero of his age, who, after asserting the liberties of his own country, defended those of Europe; yet he desired it might be remembered by the House, that sensible as posterity was of that prince's merit, no king was ever treated with greater obloquy or disrespect, even in that very House, than that monarch was during his life-time.

He then took notice of the changes which had taken place in the cabinet; and passed some handsome compliments off the two noble lords who had resigned. He professed a total ignorance of their motives for going out of office; but ventured to say, he was so well acquainted with the sentiments and dispositions of the two noble lords (Gower and Weymouth) that he was certain they wished well to administration, and would support them with all their power. He then took notice of the two noble lords, who had entered that day into office, and first of lord Carlisle, on whom he passed many compliments for his natural talents, his application to business, and his readiness to devote himself to the service of his country, at an age when pleasure was so apt to

allure and captivate the mind. From the abilities of that young nobleman, the nation might justly form the most promising expectations; and he made no doubt, but his assistance at the board to which he was appointed, would be very advantageous to his country, at so important a crisis. The hon. gentleman (Mr. Fox) had attempted to throw ridicule upon the appointment of that nobleman to the board of trade, at a time when, according to his idea of our circumstances, there was no occasion for such officers as our commissioners of trade. But would the hon. gentleman venture to assert, that such officers were not now more than ever necessary, when so great a question was under consideration as that of settling a plan of trade for the equal advantage of this country and Ireland?—Lord Hillsborough next attracted his attention; he had been reminded of an opinion which he had once given in parliament, upon the famous letter which had been sent by that nobleman to America, when he was Secretary of State for that department: When I gave my opinion, said he, I was not in the office I now hold, 'tis true; and it is proper that I should not continue to hold this office one moment, if by holding it, it was expected I should give up that opinion, I then considered that letter as a measure fraught with danger to this kingdom. I am still of the same opinion, and ascribe to it all the evils that have since occurred in the American contest. An hon. member had brought a fresh accusation against that noble lord, which he looked upon as little short of high treason. The charge is for sending a letter to the associated troops in Ireland, containing the thanks of parliament for their spirited conduct. If the noble lord has expressed no more in that letter, than what he had in charge from the Irish parliament to communicate to them, then he acted merely officially, and the charge will by no means hold; but, if to what he was charged officially to deliver, he has added any thing of his own, there, indeed, blame may possibly lie against him; and if such is the case, I have only to wish, that the Irish correspondence may not turn out as unfortunate for this country as the American correspondence, to which the hon. gentleman has made the allusion. He sat down with expressing his opinion of the extreme impropriety of the House agreeing to the Amendment.

Mr. Temple Luttrell, notwithstanding

what had just fallen from the very learned gentleman respecting the late hour of the night, was determined not to give a silent vote on the present occasion. He would, with pleasure, wait patiently till the same hour [eleven o'clock] next day, should any other member wish to rise up before him. He had no presumptive confidence, that what he had to offer would prove amusing to the generality of the House, much less influence the decided opinion of any one individual present; but his duty to the injured subjects of Great Britain, whose servant he was, called upon him to produce direct and criminal charges against the ministers then present; and to accompany those charges with such terms of reprehension, as the crimes to which they are applied should fully justify. He objected to the Address. Instead of due contrition for past errors, with animated hope of correcting those errors by a more auspicious system of government, it carried with it evident tokens of obstinacy and ruin. He could not but consider such a speech, at such a crisis, to be a high insult to that House, and through them to the whole mass of the community they represent.

The noble lord who moved the Address stood forth as the hopeful heir of one of the cabinet ministers, who probably assisted in framing the speech: he was therefore little surprised, that his lordship should so warmly assert, that the present administration "have a claim to every force our united efforts can give;" and should talk of all opposition in and out of the House, as "mere cavil, idle discussion, or the wild riots of a disorderly mob." The noble lord who seconded the Address calls the subject of it a "barren subject," and such in truth it is; for being fitted to the speech before it came through the Cockpit to us, to receive the mere forms of a parliamentary approval, it must be silent, like the speech itself, on the chapter of America; and like the speech itself, say no more touching that ancient bulwark of our country, the British navy, but that it will cost a very great sum of money the approaching year. The same member observes, that our fleets have come home "wonderfully safe"—wonderfully safe indeed! Your Portugal trade blocked up abroad the whole summer; your Mediterranean and Levant trades now utterly gone, excepting a few ships in the Italian ports, which are in the same state and danger with the ships at Lisbon and Oporto;

your fishery at Newfoundland is nearly demolished; your East India trade too has come home "wonderfully" safe! after taking refuge in the river Shannon, so far up as Limerick. There it remained ten weeks in constant terror, when one-fourth part of the whole squadron suffered shipwreck near the Isle of Guernsey. Your West India fleets are also arrived "wonderfully" safe. Those from Jamaica, and from the Leeward Islands, at the beginning of summer, were carefully and successively brought into the Channel by the *Winchelsea* and other frigates, but a very few ships missing of so numerous a convoy, though the enemy were masters of the narrow seas, and sir Charles Hardy's fleet lay at home safely anchored.

The gallant admiral (Keppel) has already shewn to the House, that two French men of war of the line might have become masters of all that treasure. How "wonderfully" safe has the last Leeward Island fleet arrived? Eight ships out of thirty, under convoy of three men of war of the line and two frigates, are all that we as yet know of; but there is reason to apprehend, that most of the others have either foundered at sea, or fallen into the hands of the enemy. How "wonderfully" safe is our autumn fleet at Grenada! I will agree that one of our fleets has indeed arrived "wonderfully safe," and that is a late fleet from Barbadoes: the shipping at which island had every prospect of becoming a prey to M. D'Estaing, in like manner with the ships in the neighbouring island of Grenada, when the governor, planters, and merchants, made joint application to the senior captain in the King's service at that place, and most earnestly intreated him to attempt to reach England with so valuable a property. That very judicious officer, considering the preservation of our commerce, as a primary object with every British seaman on so emergent a call, whatever might be the precise letter of his professional orders, undertook, at his own personal jeopardy, a most hazardous and unprofitable task to a swift-sailing cruiser on so rich a station; he steered for England, bringing every vessel under his care safe to her destination.

This, Sir, was, I own, a "wonderful" escape; for though every one acquainted with captain Thompson, will allow much to his able conduct and zeal for his trust, yet there is some little cause for wonder, that he did not fall in with the combined fleet, which had driven admiral Hardy to

moorings at Spithead, with a force of sufficient magnitude to occupy, in one continued chain, almost the whole ocean, from Ushant to the Land's End. Captain Thompson, upon his arrival at home, met with a very grateful reception from a respectable body of merchants in the city of London, but was ordered to a court-martial by the board of Admiralty, and tried at Portsmouth. The sentence of the court states, that a zeal for the good of his country, and protection of its commerce, and no private motive, had induced him to quit his station. He was only reprimanded. Now, Sir, I am not master of the established rules by which such military courts are tied down, to determine whether this be a mere shadow of a reprimand, indispensably requisite on like occasions; but if any substantial reprehension was thereby meant for so laudable an act in captain Thompson, I tremble for the future commercial concerns of this country on similar occasions.

He had dwelt thus circumstantially on the homeward bound trade, because the gentlemen on the other side had loudly rejoiced, that our summer has been well employed; and the first lord of the Treasury triumphantly boasted, that ministers had entirely baffled every attempt of the House of Bourbon against our commerce; that the campaign had not been so calamitous as he expected. Indeed he, (Mr. L.) when he looked to our losses in the West Indies, to the present situation of our army and fleet in America, with the victory gained over us by D'Estaing, and its inevitable consequences to this nation, he could not see any possible situation more calamitous, except the entire conquest of our seat of empire. That conquest, about six months ago, was perhaps not impossible. An hon. member had spoke to the situation of Plymouth; but was Portsmouth much more secure? Was the isle of Wight, or coast of Sussex, in a state of defence? No, very far from it. At Portsmouth you had four battalions of militia; and much commendation is due to the officers by whom they, in a short time, had been admirably trained and disciplined. But Portsmouth had not so much as one regiment of regulars in its neighbourhood. Nothing that could prevent the debarkation of 14 or 15,000 troops on the Gosport side of the shore, towards a place called Stokes Bay. and your shipping and docks had been at the mercy of the invaders.

The entrance by the Needles to the Isle

of Wight was free to D'Orvilliers' fleet; neither the battery at Hurst, nor the hulks which were intended to be sunk at the passage near that castle, could have stopped even a single ship of war for a minute, and Yarmouth was open for their reception. But, Sir, was the approach to the capital perfectly well secured? We are told by the ministerial prints, that it undoubtedly was, a ponderous chain being drawn across the river Thames by the new lord of the Admiralty, Mr. Gascoyne. Here Mr. Luttrell was rather jocose upon Bamber Gascoyne, but not without many civil expressions upon his ability and exemplary diligence in his late office. A learned gentleman (Mr. Dundas) had cried out exultingly, Where are the enemy now? Did you not tell us last year, that the enemy was at our gates? Sir, in June last, about a fortnight after the Spanish rescript, the enemy was in fact at our gates. They were at Gibraltar, the gate of the Mediterranean, they were at the gates of the British Channel, and expected to hoist Van Trump's broom at the masthead. It has been a constant and favourite plea with our present ministers, particularly the noble lord with the blue ribbon, that however unfortunate may be their plans, they act "to the best of their understandings." This House knows, and the nation has bitterly tasted the precious fruits of "the best of their understandings," year after year, from their first accession to power. I shall therefore confine myself only to the current season which they offer as a master-piece of sound government, and an earnest of more flourishing times to come under the same guidance. On the 16th of June, count Almodovar formally announced war against this country, by delivering to lord Weymouth a rescript from the court of Madrid. Sir C. Hardy might easily have been apprised from office of this event, before the rear of his fleet was round the east end of the isle of Wight. He was off Plymouth so late even as the 19th of June, yet he received no notice whatever of a war with Spain, till about a week after his departure from St. Helen's, and when he had been three days clear of the Channel. It was the "best of their understandings" which kept the same unimportant secret from the Pallas and Camaleon men of war, who sailed within a few hours of admiral Hardy, with the outward bound trade to the West Indies. Those vessels afterwards fell in with a Spanish galleon, worth half a million

sterling; but, being ignorant of any rupture with Spain, they suffered her to proceed on her voyage. Indeed, the earliest intelligence of a Spanish war which reached that part of the world, was brought to admiral Byron's fleet by a packet, which did not depart from England before the first or second of July.

The western squadron, which ought always to be at sea at the latter end of May, for want of being fitted out in due time, suffered a junction of the French and Spanish force; the "best of the minister's understanding" then dictated to admiral Hardy to keep a course from the southward, that the enemy's fleet might, without the least shew of interruption, come over to the coast of Devonshire, secure the British seas to the very mouth of the Thames, and cut off any reinforcements destined for sir C. Hardy from Portsmouth or the Downs. The Ardent happened to be the only line of battle ship taken by D'Orvilliers; many others had a narrow escape, and would have shared the same fate, had it not been for Providence, which we learn from the King's Speech, from the Address, and also from the arguments of many gentlemen over the way, will still be ever ready at our command. This invisible Providence is henceforth to be our general, our admiral, secretary of state, and president of our councils—for we had got rid of all those generals, admirals, and statesmen, with whose characters we were personally acquainted, and looked up to with a rational confidence and regard; this Providence is likewise to be our foreign ally, the only ally we have a chance of; in short Providence must be here, there, and every where: but, Sir, the ministers are possessed of that understanding which passeth all common understanding, I mean a good understanding with a venal majority, who betraying a most sacred trust, raise themselves upon the wreck of their country, and basely make the national good subservient to their private avarice and ambition. If such understanding should prevail to-night, and the people shrink from the true constitutional means to redress the evil, they will deserve its fatal consequences. But, let the minority of both Houses stand forward to apprise them of their situation, by a proper manifesto and appeal. Let us secede in a body from these polluted walls, and convene the several counties, to take instructions and collect the real sense of our constituents at large,

during the Christmas recess. We have seen of late a few good omened conversions, even near his Majesty's person. And yet, numbers enough are, I fear, still retained for that accursed system which lost us America, and bids fair to lose us the kingdom of Ireland. Have we not yet had enough of that baleful policy introduced by the three northern oracles of the long robe. The singular loyalty of whose houses without doubt recommend them to peculiar favour. The Chief Justice of the King's-bench, the Lord Advocate of Scotland, and Mr. Attorney General—"Taxation or starvation," with true laconic energy, cries the one (Mr. Dundas). Let loose the savage Indians (more fierce than the blood hounds of Columbus) says another (Mr. Wedderburn). And "set the negro servants to butcher their masters"—"The Rubicon"—The Rubicon is the language of the third of this worthy and amiable triumvirate (lord Mansfield). "We must go forward through proscriptions, devastation, and carnage." And this our modern hero of the Rubicon, who must soon render an awful account before a far mightier Judge than himself, instead of leaving behind him commentaries on the laws and constitution of England, will give us commentaries of his American campaigns, from which future leaders, under a vengeful commission, may learn their best lessons of barbarity, and improve in every art of increasing human wretchedness. And yet, Sir, I think I see the day not far distant, when, in the words of their countryman Macbeth, they shall call out in a woeful concert—"we but teach bloody instructions, which, being taught, return to plague the inventors." The better part of your dependencies abroad are already gone. One half of your dominions at home in a ferment, little short of open revolt; the other half, disunited, dejected, and desponding, ready to sink under the pressure of grievous taxes; devoured up by the insatiate appetite of so comprehensive and desperate a war; added to the numberless salaries and perquisites divided by the rulers of our state with their ravenous tribe of hireling partisans. There is one addition I could heartily wish to the admirable Amendment proposed by the noble lord, which might urge the abolition of all superfluous places and pensions, and assure the crown of a faithful inspection on our part into the public accounts, while we dispense the money of our con-

stituents with the strictest circumspection and oeconomy. Mr. Luttrell then addressed himself to lord North upon the subject of the navy. He denied every fact on that head as stated by the noble lord, and bid him look over the dismal catalogue of accidents in the naval diary of last Monday. The account of ships foundering at sea, during the whole time of lord Anson, would fall short of one summer's catastrophe in these our days. Had the elements grown more violent? Or were our ships of a worse sort? The French and Spaniards have now in the proportion of three ships to our two; and we must comparatively be far weaker the next season, than at present. Mr. Luttrell offered to prove in the House, that, with a list upon paper of near 100 sail of the line of battle, there never have been 75 in a state of actual service. He allowed that 81 of the line might now be soon got ready, but of a description far inferior to the 81 left by lord Hawke, when he was succeeded at the Admiralty-board by the earl of Sandwich. Mr. Luttrell shewed, that the nation might, for three millions and a half sterling, have had the whole navy of Great Britain, under lord Sandwich on the 25th of November, 1779, entirely built from the keel, and fitted for sea, which is a less sum than has been given to that earl, within the nine years of his naval administration, for the sole purpose of preserving and augmenting the ships of the royal fleet. Before he sat down, he must take notice of lord North's political hysterics: he had already seen his laughing fit: and as the noble lord had laid in his claim to rise a second time, the crying fit would probably come next; which fit of the two shewed the nervous system to be most strongly convulsed, he was not sufficiently skilled in anatomy to decide; but sure he was, that a whole Atlantic of tears would not suffice to blot out the stain of the noble lord's administration, from the annals of George 3. He concluded his speech with the words spoken by lord North, early in the day, "Let the traitors suffer."

The House divided: For the Amendment 134; Against it 233. The original Address was then agreed to.

November 26. On the motion for bringing up the report of the Address,

Sir George Yonge rose, and entered fully into the conduct of administration. He charged them with abandoning our dominions in every quarter of the globe,

and, in fact, of abdicating the government of the different dependencies of the crown, by confining the objects of the war to a mere system of local defence of the seat of empire. The last campaign in America was not only a defensive, but a disgraceful campaign. Instead of gaining a single foot of ground, we had lost what we possessed in the beginning of it. God only knew what was the fate of general Prevost! Sir Henry Clinton, with the grand army, had called in all his distant posts, and was in a great measure besieged in New York, or so straitened in his quarters, as to be pretty much in a similar situation. We had lost St. Vincent's and Grenada. Jamaica was chiefly left to its own internal defence, and Ireland had in some measure taken into her own hands, the powers of government; so that, considering the conduct of administration, not by events solely, but from the indisputable causes which produced them, it would not be affirming too much to say, that they had deserted or abdicated a great part of the distant dependencies and dominions of the British empire.—But a fatality had accompanied them in all their measures. If they sacrificed every other object to that of the home defence, it was no less extraordinary when the means adopted for procuring domestic security were considered. Plymouth, the second naval arsenal, and the marine key of the kingdom, had been left in a defenceless condition. He lived not very far distant from Plymouth, and he could not help saying, that ministers were most criminally to blame. He hoped the subject would be enquired into, and where blame was imputable, that it would be brought home to the criminal party. He made several observations on the conduct of the Irish parliament; who now, for the first time, took upon them to dictate to that of Great Britain; and imputed this unprecedented confidence to the military associations set on foot in that kingdom, which he attributed to the criminal neglect and extraordinary policy of ministers, who had not only suffered the people of that country to arm themselves, but had actually put arms into their hands, declaring their total inability to give the Irish any species of military protection. He pointed to the alarming consequences which flowed from this measure; no other proof need be adduced than that the parliament of Ireland, which, even so late as towards the close of the last session, would

have been contented with some few indulgences, now peremptorily insisted on a free trade in the most unlimited sense, disclaimed all political connection with this country, and set the British legislature at defiance. He concluded with adverting to the melancholy state of every thing within and without, particularly our growing debts and decreasing revenue; and contended, that as it was the duty of parliament to enquire into the causes of national calamity, so it was the peculiar business of that House to keep a watchful eye upon, and exercise the constitutional controul vested in them over the expenditure of the public money.

Lord *Shulldham* spoke to the state of Plymouth at the time of the alarm. There was certainly plenty of powder in the arsenal; there were 200 barrels, and also a sufficient quantity of ball.) He could not say, indeed, that there was a sufficiency of small stores; if there was not the necessary quantity in the garrison, it was owing alone to the commanders. They might have had what they wanted, by making application to the store-keeper, or to him. He could have supplied them from the ships; and, because there were no demands made, he took it for granted that all kinds of stores were in plenty. As to an attack upon Plymouth, he looked upon it to have been impracticable, nor could the enemy have reduced the dock-yard by entering the Hamoaze; he did not think it possible to reduce the dock-yard by water. The channel was so intricate, and the whole of the course so dangerous, that he did not believe the enemy could have entered the harbour. At the same time, though there were not men in the garrison to work the guns, he had taken from the ships 500 sailors, and manned them. He could now say, that, from the exertions that had been used for these two or three months past, the harbour, dock-yard, and garrison of Plymouth was impregnable to the whole naval force of Bourbon.

Mr. *Herbert* gave a very expressive contradiction to the noble lord's picture of the state of Plymouth. He said, that in the course of his duty, he was called to several parts of the garrison, and he declared, that there were neither men capable of standing to the guns, nor rammers, sponges, or other implements for firing them. Who was to apply for them? Was it not the commander's business to look into the state of the equipments? Had the

enemy attempted to come into the harbour on the Monday, he would pledge his honour to the House, that not one gun could have been fired against them. Instead of his regiment having acquired the exercise of the great guns, they had been employed the whole summer in repairing the lines, and on other duties which the miners could have executed with much more propriety.

Mr. *Minchin* confirmed every thing which had been asserted by the last hon. member; and said, there was not a man, either professional or private, who was not persuaded, had the enemy attempted a landing on their first appearance, that the place must have surrendered without firing a gun.

Sir *Charles Frederick* declared, that in the island of St. Nicholas, there were at least seventy rounds of powder; and as to small stores, a carpenter could have prepared them in a quarter of an hour.

Sir *P. J. Clerke* made some very ingenious remarks on the conduct of administration during the summer recess. Almost all his constituents were for taking refuge in his dwelling-house. He said, he would prove that a quantity of wheelbarrows had been sent, over land, to Plymouth, three weeks after the danger had occurred, and the price of the carriage was greater than would have been the expence of making the wheelbarrows on the spot. He spoke likewise of the disgraces of the last summer in the Channel, which had been for almost two months in the undisturbed possession of the enemy; nay, so much so, that when the impressed scamen or volunteers were to be removed from one port to another, they were conveyed in waggons; and, he presumed, to prevent them from deserting, had a military guard placed over them, like so many felons. Was such ignominious treatment as this the proper means of inspiring our sailors with courage and a love of that country which had thus disgraced them in the eyes of their fellow subjects, and held them out a public spectacle, as if they had been felons, removing and guarded, lest by escaping, they should be able to elude the punishment due to their crimes?

Earl *Nugent* said, he wished to put gentlemen right with respect to Ireland. The meaning of this resolution respecting a free trade, did not mean an unrestrained trade in every particular. There were many instances in which a perfect unrestrained trade would be disadvantageous,

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if not ruinous, to Ireland. He wished to give no advantage to Ireland that would be injurious to Britain. He threw back the reflection sent him by the hon. baronet who opened the conversation; and said, if he had not refused what had been asked last year, so much would not be rejected this. His lordship further added, that the assertions contained in a pamphlet lately published, had been fully verified in the conduct of some gentlemen, and more particularly in what fell from the hon. baronet; for he had distinguished himself very warmly in opposing the granting any relief to Ireland, in which he had proved, with the assistance of his friends, rather unfortunately too successful; yet the hon. gentleman now comes forward, and imputes it as a crime to ministers, that the success of that opposition has been the cause of that spirit of resistance which he now complains of, and the increased and unreasonable demands of Ireland.

Mr. *T. Townshend* took occasion from some suggestions of the noble lord, to shew his indignation at the false and libellous assertions made by a wretched writer in the pay of administration, in one of the pamphlets published under their authority, and which the author had had the confidence to send to his house. He could not help saying that while government protected such infamous hirelings, to propagate the most notorious falsehoods against the most respectable characters, they prosecuted, in a most virulent manner, a poor and miserable printer for an insignificant and unmeaning hand-bill. Nothing more clearly pointed out the complexion of those who employed these hireling assassins than the encouragement which they met with, and the impunity with which they were permitted to revile the present constitution. Doctrines directly impeaching the new establishment, formed at the Revolution, were daily published, and the authors paid and pensioned for their perfidy, and he might add, treasonable positions which, in their ultimate tendency, went to sap the foundation of that system of government by which the prince of Orange was called upon to rule over a free people, and of course led the way to the subsequent exaltation of the illustrious House of Hanover to the throne of these kingdoms.

Lord *Beauchamp* rose to reply to several expressions which had fallen from sir George Yonge. He contended that the passage in the speech relative to Ireland was perfectly descriptive of their long

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known and approved conduct and character. They were a loyal, faithful, generous, high spirited, and brave people; they had a proper sense of the oppressions they laboured under; but there was one other part of their character for which they were no less conspicuous, that was their patience and endurance; for their provocations and resentments were smothered in their reverence and affection for the people of this country, and their unalterable attachment to its government. The imputation thrown on them by the hon. baronet, of revolt, or an intention of rebellion, was unfounded. Where was the proof? Was it the rising of a Dublin mob or a liberty rabble that was to answer in the place of every other species of evidence? When the hon. baronet laid so great a stress upon the circumstance of a few banditti breaking into the courts of law in search of a member who had rendered himself obnoxious to them, and stopping one or two others, did he mean to justify that general imputation of revolt, sedition, and rebellion, by that act alone? Why, since the hon. baronet recollected those circumstances so distinctly, how came he totally to forget the conduct of the magistrates of Dublin, the manner this riot was taken up by the House of Commons, and their spirited resolutions in consequence thereof? The noble lord said, he knew from the most unquestionable authority, that the internal police of Ireland was never so wisely or effectually conducted since the Revolution as since the associations were formed. If necessary, he could bring officers of rank and experience to the bar, who were ready to affirm that they never remembered that country in so perfect a state of tranquillity, fewer riots, less outrage, or a better regulated police. His lordship denied that the associations had originated in faction, or that faction had influenced the vote of the Irish parliament. The first was the consequence of self defence, if not suggested, at least approved of by government here; and as to the demand of a free trade, inserted in the Irish address, it was the determined and unanimous voice of the people, conveyed to their representatives, and through them transmitted to their sovereign. Courtiers, placemen, officers civil and military, every denomination of party, and the trading and landed interest, all concurred in one opinion out of the House. This produced unanimity in the House; and it was idle, to ascribe it to this or that

lord, to this or that party. It was the universal sense of the people at large, whether collectively or constitutently taken, and not that of faction, party intrigues, personal views, or local interests.

After some further conversation, the report of the Address was brought up and agreed to.

*Debate in the Lords on the Earl of Shelburne's Motion of Censure against Ministers for their Conduct towards Ireland.**] December 1. The order of the day being read,

* "The parliament of Ireland met on the 12th of October, and soon shewed that they had received a portion of the general spirit of the nation. They declared in their addresses to the throne, that nothing less than a free and unlimited trade could save that country from ruin. The addresses were carried up with great parade amidst the acclamations of the people. The duke of Leinster, who commanded the Dublin volunteers, escorted the Speaker in person upon that occasion; whilst the streets were lined on both sides, from the parliament-house to the castle, by that corps, drawn up in their arms and uniforms. That nobleman had also moved for the thanks of the Lords to the volunteer corps throughout the kingdom, which was carried with only one dissenting voice.

"The associations and people at large, full of anger and jealousy, manifested strong apprehensions of political duplicity on this side of the water; and, perhaps, did not place a perfect confidence in the steadiness or perseverance of their own parliament. They were afraid, that they would be amused by fair and empty promises, until they had resigned their power along with the national purse, by granting the supplies for the two following years, according to the customary mode in that country; when being no longer necessary to government, a sudden prorogation would put an end to all hope of, at least, amicable redress, for the present. Under this apprehension, a short money bill, for six months only, by which means parliament would still continue indispensably necessary to government, became the general cry of the nation.

"As this innovation upon established form and method, was strongly opposed, particularly by the court party, the Dublin mob thought it necessary to shew their zeal in the public cause; they were accordingly guilty of great and violent outrages, as well in their endeavours to enforce the measure, as in their punishment of the refractory. Although the Irish parliament used proper measures to express their resentment, and to maintain their dignity upon this occasion; yet many of themselves being inclined to a vigorous proceeding, and the rest borne down by a cry almost universal in the nation, the representatives found it at length ne-

The Earl of *Shelburne* rose, and apologized to the House for not giving some intimation of the purport of his motion at the time he gave an intimation of his intention to make it; but assured their lordships that it was but that very day he had made his option out of two subjects; that of the island of Jamaica or Ireland. They alternately pressed themselves with equal force upon his mind, and the choice he had made was only on this idea, that the affairs of Ireland called loudly for immediate relief, while the state of Jamaica, be it ever so alarming and critical, could receive little advantage from any determination come to in that House respecting it; for either the fatal blow was already given, or, if intended, would be given before any assistance could reach that island. His lordship then moved, "that the Address of that House, which passed unanimously on the 11th of May last, recommending to his Majesty's most serious consideration the distressed state of the people of Ireland, [p. 635] and likewise the motion to address his Majesty which he took the liberty to trouble their lordships with on the 2nd of June, re-stating the necessity of giving speedy and effectual relief to Ireland, [p. 663] might be read;" which last, his lordship observed, had been negatived by a considerable majority, no less than by 61 to 32. These documents being read at the table, his lordship proceeded to explain the grounds of his intended motion, which would, if carried, amount to a vote of censure upon ministers.

He reminded the House, that the Address first read, which passed *nem. diss.* was made by the noble marquis, not in the terms in which it appeared upon their lordships' Journals, but contained a recommendation for giving relief to Ireland, and an implied censure on ministers for neglecting the immediate concerns of the sister kingdom, and the union and prosperity of both kingdoms. The noble earl then at the head of his Majesty's counsels (earl Gower) proposed an amendment, which, though it did not meet the ideas of many noble lords on the side of the House he sat, he was disposed to accept of; because if the whole address had been insisted upon by the noble marquis of Rockingham, its

being negatived, would, in his opinion, at that time have been productive of disagreeable, perhaps of fatal consequences. He thought it better, in a choice of evils, to accept of that from which some advantage might be drawn, than adhere to a motion rigorously, which, if refused by a majority of their lordships, might irritate Ireland, and spread discontents and provoke resentments in the breasts of men nearly verging to despair, under a load of accumulated distresses within, and what they deemed the most gross injustice and unfeeling oppression from without.

On this idea, and this only, he closed with the amendment offered by the noble earl, though at the time he thought it did not reach the true grievance, which was the shameful conduct of ministers in neglecting, or rather abdicating the affairs and even the government of that kingdom. What he said on that occasion had been grossly misrepresented in the newspaper, and gave rise to a great many ill-founded severities and misrepresentations of his conduct in his native country. He had even received several scurrilous letters from anonymous persons, and reprehensions from his friends on the other side of St. George's Channel; but as he was conscious that sentiments had been imputed to him in print, which never entered into his imagination, and that his motive for approving the Amendment was merely to give hopes to Ireland, that after the unanimous concurrence of that House and his Majesty, indeed of every branch of the legislature, a similar motion to the amended one having passed the other House the same day, he thought more for the benefit, happiness, and the preserving the goodwill and affection which that country had ever entertained for this; and that Ireland relying on so solemn and sacred a sanction as he had described, would be persuaded that the day of national salvation could not be very far distant.

At the same time it was judiciously pressed by the noble marquis, and several other noble lords on the same side of the House, that when they consented to permit the original motion to be altered, and qualified in the manner now described, the true purport of the Address, which was immediate and effectual relief, should be answered: it was his opinion likewise then, as it was still; and from that day a new æra commenced in the affairs of Ireland. The word of parliament was pledged, but was no sooner pledged than it was violated

cessary to comply, and the short money bill was accordingly passed on that side. A necessity equally convincing, secured the passage of that humiliating and mortifying act in England." *Annual Register.*

by ministers. Three weeks however elapsed, without a single step having been taken; and it was upon this shameful contempt of the recommendation of parliament, and the breach of the assurances given by his Majesty's ministers, that he moved the address of that day, which had been now read at the table, for continuing the session of parliament and convening the parliament of Ireland, that their united wisdom might effect what administration were incapable or unwilling even to attempt.

Such being the conduct of ministers; the next object of their lordships' consideration was, what were the consequences which that conduct drew after it? Exactly what every thinking man must have clearly foreseen. Ireland disclaimed any connection with Great Britain; she instantly put herself into a condition of defence against her foreign enemies; oppressed at one time by England, and at length reduced to a state of calamity and distress, experienced by no other country that ever existed, unless visited by war or famine; and perceiving that all prospect of justice or relief was in a manner closed, and that she must perish or work out her own salvation, she united as one man to rescue herself from that approaching destruction, which seemed to await her. The people instantly armed themselves, and the numbers armed soon increased to upwards of 40,000 men, and were daily augmenting. This most formidable body was not composed of mercenaries, who had little or no interest in the issue, but of the nobility, gentry, merchants, citizens, and respectable yeomanry: men able and willing to devote their time, and part of their property to the security of their country. The government had been abdicated, and the people resumed the powers vested in it; and in so doing were fully authorised by every principle of the constitution, and every motive of self-preservation; and whenever they should again delegate this inherent power, they firmly and wisely determined to have it placed upon so large and liberal a basis, that they should not be liable to suffer under the same oppressions in time to come, nor feel the fatal effects and complicated evils of mal-administration, of calamity without hopes of redress, or of iron-handed power without protection.

To prove that these were the declared and real sentiments of the whole Irish nation, he should not dwell upon this or that

particular circumstance; upon the resolutions of county and town meetings, upon the language of the Associations,* upon the general prevalent spirit of all descriptions of men, of all religions: matters of this kind, however true or manifest, were subject to or might admit of controversy. He would solely confine himself to a passage contained in a state paper; he meant the Address of both Houses of the Irish

* Lord Sheffield, in his "Observations on the present State of Ireland," published in 1785, gives the following account of these extraordinary Associations: "It is necessary to notice a phenomenon which now began to appear. The like never has been observed in any country, at least where there was an established government. To describe it strictly, it may be called an army, unauthorized by the laws, and uncontrolled by the government of the country; but it was generally known by the name of Volunteers of Ireland. Their institution bore some semblance of a connection with the executive power. Arms belonging to the state, and stored under the care of the lieutenants of counties, were delivered to them, upon the alarm of foreign invasion. So far they seemed to be countenanced by government, but in a short time they caused no little jealousy and uneasiness. The arms issued from the public stores were insufficient to supply the rapid increase of the volunteers. The rest were procured by themselves, and the necessary accoutrements, with a considerable number of field-pieces. It answered the purpose of opposition in both countries to speak highly of them, and the supporters of government in both countries mentioned them with civility. The wonderful efforts of England in America were somehow wasted to no purpose of decision. American success inflamed grievances which had been long felt in Ireland. Ireland in truth had infinitely more cause for complaint, and had been infinitely more oppressed than America; the latter had never submitted to half the hurtful restrictions in which the other had for many years quietly acquiesced. But now, petitions, remonstrances, popular resolves, and parliamentary addresses were vigorously urged, and in about four years Ireland was happily relieved from many commercial restraints, which should have been removed long before, and gained several other points which she thought essential to her welfare. The volunteers preserving a degree of reserve and decency, kept at a certain distance, but were never entirely out of sight. They had been serviceable in supporting the civil magistrate; fewer castles, houses, or lands, were kept by forcible possession; she-riffs were enabled to do their duty; fewer rapes and other enormities were committed than usual; and here, if the volunteers had stopped, and we had seen no more of them after the establishment of peace, their page in history would have been fair and respectable."

parliament, declaring that nothing but granting the kingdom "a free trade" could save it from certain ruin. Here was the united voice of the country, conveyed through its proper constitutional organs, both Houses of Parliament, to his Majesty, against which there was but one dissenting voice in the Houses, and not a second, he believed, in the whole kingdom. Church of England men and Roman Catholics, dissenters and sectaries of all denominations; Whigs and Tories, if any such were to be found in Ireland; placemen, pensioners, and country gentlemen; Englishmen by birth; in short, every man in and out of the House, except the single instance mentioned, had all united in a single opinion, that nothing would relieve the country short of a free trade.

A noble lord lately appointed to a high confidential office (Hillsborough) had endeavoured to find out a meaning for the people of that country, which they did not know themselves how to express. The noble lord's country was certainly much obliged to him. Said the noble lord, the last night, he had conversed with several leading men in that kingdom; but not one of them could define what he meant by a free trade; but that the noble lord himself had discovered it. Free trade, said the noble lord, means an equal trade. He wished to recommend to the noble lord to be more cautious in putting interpretations on the plain and unambiguous expressions of other men. A free trade, he was well persuaded, by no means imported an equal trade. He had many public and private reasons to think so; a free trade imported, in his opinion, an unrestrained trade to every part of the world, independent of the controul, regulation, or interference of the British legislature. It was not a speculative proposition confined to theory or mere matter of argument: the people of Ireland had explained the context, if any ambiguity called for such an explanation; he had received accounts from Ireland, that a trade was opened between the northern part of Ireland, and North America, with the privy of Congress, and indemnification from capture by our enemies; that provision ships had sailed to the same place: nay more, that Dr. Franklin, the American minister at Paris, had been furnished with full power to treat with Ireland upon regulations of commerce, and mutual interest and support; and that whether or not

any such treaty should take place, the mutual interests of both countries, their very near affinity in blood, and their established intercourse, cemented farther by the general advantages arising from an open and unrestrained trade between them, would necessarily perfect what had already actually begun.

Such, then, being the temper and disposition of Ireland now, compared with what it was at the close of the last session, he should take up very little of their lordships' time, in stating the true grounds of his motion. At the time the noble marquis moved the first address, Ireland would have been contented with little, in expectation of obtaining more at another opportunity, when it would come with the appearance of generosity and affection, and not as if extorted, when this country was labouring under a variety of distresses and embarrassments; whereas now, most probably, they would not be satisfied with any thing short of trade, totally independent and free.

The noble lord to whom he had lately alluded relative to the meaning he affixed to the expression in the Address of the Irish parliament, had not only explained the words, but stood forth as the responsible minister on the occasion. He did not pretend to say how far Ireland would be inclined to trust his lordship's word. The noble lord ought to proceed very cautiously indeed, lest he should prove as unfortunate in his administration of the affairs of Ireland, as he was in those of America. He had delivered the colonies into his lordship's hands, peaceable, loyal, obedient, and affectionate: his lordship had, by a series of mistaken, improvident, oppressive and irritating measures, sown the seeds of revolt, and the present rebellion, with all their mischievous consequences.

The noble lord's appointment carried with it a most inauspicious aspect. The noble lord now held himself forth as responsible to both kingdoms, as he had done once before to Great Britain and America. He assured Great Britain, that America would agree to the revenue laws, passed before his entrance into office, and if they refused, that they would and must be compelled to a submission. He assured America, on the other hand, that all taxes, for the purpose of raising a revenue, would be modified so as not to be founded in taxation, or have any other object in view but commercial

regulation; and that no other laws, for the purpose of raising a revenue, would be passed by the British legislature. He never meant to make those promises good, or failed in the attempt. He now assures Great Britain, that Ireland, by a free trade, means an equal trade, and on this ground stands forth responsible for the event of his own measures.

After stating the misconduct, incapacity, and shameful inattention of ministers to the affairs of Ireland, by which we were driven to the melancholy terms of submitting to whatever Ireland might think proper to dictate, or to the loss of Ireland, as well as America; his lordship proceeded to point out several existing grievances in that country, as well arising from its particular constitution, as interior government. He observed that there was one gross defect in the former, he meant the crown being invested with or arrogating to itself, the disposal of the hereditary revenue, which amounted to full two-thirds of the whole monies raised upon the people. This could be disposed of at the King's pleasure, or its produce in part be anticipated by royal grants, called the King's letters. Such a general grant, he allowed, was not to be supposed or feared; but so long as the claim was contended for, it must continue a dangerous claim; because it invested the whole produce in the King, and with it consequently the power of the sword. It had, however, this immediate effect, that the ministers were at all times at liberty to give pensions, and create places; and the salaries and sums granted or annexed to them, being charged upon the hereditary revenue, it in fact amounted to a power to tax; because if that revenue fell short, other taxes must be laid on the people, and other burdens incurred, in order to make good those eventual deficiencies. This power, and the use made of it, was a source of endless mischief to the people of Ireland, and in its consequences to the people of England; because it afforded ministers on both sides the water, the means of corruption, and of rewarding those who supported them in their views and gave a sanction to their measures. It was doubly mischievous to Ireland; for while it impoverished the people there, it at the same time furnished the means of future oppression, and repeated public rapine.

He spoke of the deplorable state of that country, respecting religion, and its mi-

nistry. He said, that the clergy there, were the best provided for of any in Christendom, in proportion to the ability of the country, and did least for what they received. He spoke in the hearing of some noble lords who had been there, and had traversed the country, and appealed to them, if for one parish church standing, there were not five in ruins; and whether, upon an average, one fourth of the people were properly attended. He spoke very handsomely of the present primate of that kingdom (Dr. Robinson) and a certain worthy prelate, brother to a noble lord, a member of that House (the bishop of Derry, brother to the earl of Bristol) who both had set an example worthy imitation; but to come at the root of the grievance, it would be necessary to call in the aid of parliament, to co-operate with the wishes of good and pious men.

His lordship was remarkably severe on the conduct of a noble lord in the other House, who was generally supposed to be the minister, who was famed for nothing but making contracts, and being totally inattentive to every other concern of the state; who slept eternally when he should be awake, and was scarcely ever attentive to his duty but when his alacrity led the way to error. There was no such thing as driving him beyond his usual pace; for whether it was the actual loss of America, or the danger of losing Ireland, the noble lord was uniformly immoveable. Let the pressure of affairs be what they might, it was the custom of the noble lord to jog on slowly, like a French general, whom, though informed that 40,000 men were in danger of being cut off, no danger, however pressing, could prevail upon him to put his horse into a trot.

The noble lord said he began to be heartily tired of his situation as a member of that House. All attempts from that side of the House, were become idle and ineffectual. The question, when it came to be decided, was determined by a most discouraging majority. If the question related to the internal defence of the kingdom, or to the state of defence of our dependencies or transmarine dominions, it answered no other purpose but that of conveying improper and dangerous intelligence to our enemies, and inviting their attacks; if to the real intention of foreign courts, all was buried in equivocal answers, totally evaded, or passed over in silence. A noble viscount, lately come into high office (lord Stormont) imputed to noble

lords on his side of the House, motives the most unjust and ill-founded, a desire of power, place, and emolument; and that, in contradiction to what had been asserted by a noble and learned lord, a near relation to the noble viscount, the same evening, (lord Mansfield) "that no man, in the present critical and embarrassed state of public affairs, could accept of a place under government, in any high or responsible situation, but from a sense of duty;" and at the same time seemed to throw out a hint, that if being brought into office was the object, that event might be brought about. The learned lord had indeed, ventured a great length, and had referred to historical facts. He mentioned the resignation of sir Robert Walpole, and a later compromise, soon after the commencement of the late war. If those references to what had happened were intended to apply to what might again be effected, he could solemnly and safely protest, that he would upon no consideration whatever unite, or in any way co-operate with men who had been the instruments of bringing ruin and disgrace on their country. For his own part, he had decided finally on his future conduct. He had united with those with whom he had the honour to act for several years; their principles were the same; their future rule of conduct was to be correspondent; whatever different opinions they might have held, they no longer interfered with their general plan; they were confidentially and fully united in the great leading principle, of new men and new measures; if the salvation of the country was to be effected, it was only by those means; or if the country was to be saved from the ruin which threatened us on every side, it was only by a change of system.

He observed early, that the noble earl to whom the latter part of his speech particularly alluded was not present. He did not wish to harass old age, so as to call forth its natural concomitants, peevishness, impatience, and precipitancy. What he meant to say, regarded more properly those who might be called to succeed him, not in place, but in influence. He liked the Scotch nation in general, as divines, soldiers, and men of letters; but he was free to confess, that he detested the Scotch law, as totally inapplicable to the spirit of a free constitution. To prove how well this opinion was founded, he quoted the authority of those who drew up the impeachment of cardinal Wolsey, and had

framed one of the articles on a charge against that proud and despotic prelate, that he had endeavoured to introduce the civil law of Scotland into England*, and of lord Bacon, who had expressly maintained in one of his law tracts, that a Scotch lawyer was by professional education unfit either to explain or dispense the law of England, as an advocate or a judge. His lordship did not confine himself to general assertion, but explained the different mode of proceeding in the English and Scotch courts, and the mode of decision, which obtained in each of them, and gave the preference to the English laws, which upon every matter of real consequence defined the crime, and annexed the punishment; whereas this mode of proof was much more loose and indefinite in Scotland, while the measure of punishment solely lay in the breast of the judge, and was founded merely in discretion. He must acknowledge that he had a very high respect for the professors of the law, but he ever should think, that law and politics were not so much combined, though in many instances they were, that a sound lawyer was always a good politician. Their habits, studies, and pursuits, were different, and he thought very properly so. He did not mean to disparage the profession; the noble and learned lord on the woolsack, was very judiciously called by his sovereign, into his present high situation; he was perfectly pleased at the noble lord's promotion. He was well satisfied of his lordship's great professional abilities, and he was happy when he reflected, that while he had done honour to the seat he occupied in that House, he had restored dignity to the upper end of Westminster-hall.

His lordship next took a view of the state of the empire and its various dependencies, and a retrospect of the last summer campaign, in the course of which he dwelt on the language of ministers out of that House, which amounted exactly to this: that the King was his own general, for it was actually reported with confidence, and he believed was universally understood to be true, that his Majesty, had the enemy attempted a landing, meant to take the command of the army. It was said likewise, that the King was his own secretary; his own first commissioner of the Admiralty, &c. This was a most preposterous idea, and a language totally

* See Howell's State Trials, Vol. 1, p. 367.

unknown to the constitution. The King might be as well his own chief justice and dispense law on the bench in Westminster-hall, as be his own general. He could not act but through the medium of his ministers in their several departments. Those ministers who would permit his Majesty to head his army would take the risk upon themselves and deserve impeachment. The constitution held a very different language, and was precise on the subject. Every one of his Majesty's servants were separately and conjunctly responsible for every measure that they carried into execution through their respective departments; and as a committee of council, for the measures decided there, and passing under the idea of an act of state, or the resolution of the crown, previously advised to it by his constitutional counsellors. It was upon this clear doctrine of constitutional law that the well-known maxim "the King can do no wrong" was founded. Why so? Because the King, in contemplation of law, can do nothing without previous consultation and advice. He allowed, however, that a king in some cases might so far abuse his trust as to do wrong, by usurping upon the powers which the constitution had placed in other hands. What happened more than once before, might again happen. The conduct of Edward 2, and Richard 2, exhibited two melancholy instances how far a prince, under the influence of secret advice, may be tempted to mistake his own dignity, and the mutual rights and interests of himself and his subjects, which, when properly supported and wisely pursued, are for ever inseparable. It was true, that the civility of the law lays down as a maxim, what it presumes, out of respect to the person of the King, will never happen; that is, that by a breach of every duty, moral and political, he will act merely on his own judgment; farther the maxim that "the king can do no wrong" was to the last degree blasphemous, ridiculous and absurd; he therefore was of opinion, that a prince above all things should be ever attentive to these two considerations; namely, the exact relation he stood in with respect to his subjects, the ground of their obedience, and his own power; and the very particular station in which the laws and constitution had placed him as an individual, most certainly at the head of government, but nevertheless bound by every motive of religion and regard to the laws, with the meanest subject

in the empire; and, he was free to say, that any king of this country, who should venture hereafter to depart from those sound maxims of law and policy, would sooner or later experience the fatal consequences of exercising in his own person those active powers placed by the constitution in his ministers and advisers, for the due and faithful discharge of which they were, from the nature of the trust reposed in them, personally responsible.

He could not help observing, that, however improbable it might be, that our present sovereign would ever depart from those sentiments of justice and good faith so deeply engraven on his heart, many matters had lately happened which afforded cause of just alarm to the friends of the constitution. The servants of the crown, by the aid of the dangerous influence which it carried with it, had departed from that system of government which had borne us through four most heavy and expensive wars, and had raised at length the glory of this country to the highest pinnacle of fame, accompanied with an accession of national prosperity hitherto unequalled. This system had been gradually giving way since the commencement of the present reign, till one of a very different tendency was now established in its place; a system planned in secret advice and supported by corruption. This double influence was now become in a great measure irresistible indeed: the wisest could not well see where it might end, though he was perfectly satisfied that it pointed and would lead to some fatal issue. He did not mean to charge any particular person with being the secret deviser of this system. The noble and learned earl, to whom he had more than once alluded, (earl Mansfield) was, he meant by report, deemed to be no more than a secondary instrument, for there was still another person, who disclaimed all private interference or public opinion, who was looked upon as the original mover. If that were true, the cure would be more difficult, as the cause of the malady was farther from the usual means of discovery. He spoke again of the affairs of Ireland; entered into a narrative of its distresses; and imputed to ministers that they had at one time refused to give relief to Ireland, and at another, afforded her the means of compelling us to do, from a dread of the consequences, what the wisdom of his Majesty's counsels and the justice of parliament ought to have rendered an act of duty. It

was a matter of notoriety, that when Ireland only applied for some trifling favour pretty late in last session, a few days only before the noble marquis moved the Address read that day at the table, that the minister in the other House understanding that the favour was upon the point of being granted, came down, and by his sole influence threw out the Bill by a majority of three only, and, not contented with giving a silent vote, spoke with his usual energy and success against it. This act of declared hostility against the people of Ireland, with the subsequent neglect of administration, in not attending to the united sentiments of the British legislature, was, in his opinion, the cause that Ireland was not now in a perfect state of tranquillity and obedience to the government of this country, and that instead of 10 or 12,000 associators, there were now, he believed, full four times the number, well armed and accoutred, and daily improving in discipline. The Irish saw what they must trust to, and they took the option. The honour and dignity of the crown was disgraced; the sword was dropped; and the people had taken it up on the double motive of defending themselves against a foreign enemy, and compelling that justice with arms in their hands that had, as with America, been denied to their humble applications, and the repeated narratives and representations of their calamities and distress.

His lordship then moved, "That it is highly criminal in his Majesty's ministers to have neglected taking effectual measures for the relief of the kingdom of Ireland, in consequence of the Address of this House of the 11th of May, and of his Majesty's most gracious Answer; and to have suffered the discontents of that country to rise to such a height, as evidently to endanger a dissolution of the constitutional connection between the two kingdoms, and to create new embarrassments to the public councils, by division and diffidence, in a moment when real unanimity, grounded upon mutual confidence and affection, is confessedly essential to the preservation of what is left of the British empire."

The Earl of *Hillsborough* said, he would principally confine what he had to say to the question on their lordships' table, and only touch upon such parts of the noble earl's speech as related to himself, in respect of future measures, concerning Ireland, and the success of them. The noble lord had more than once advised him to be cautious how far he should commit

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himself, as responsible for the measures he had advised; the caution was very proper, and he could assure the noble lord he had carefully attended to it before he entered into office. He thought that Ireland was entitled to a free trade with equal taxes, or, as he had before expressed himself, to an equal trade. So far his opinions went, and on that ground he thought himself well warranted in recommending to his Majesty, and proposing to the consideration of parliament, the granting Ireland an equal trade. As to the event of this measure, all he could positively say was, that it perfectly accorded with his ideas of policy and justice, and from the temper and disposition of the people of both kingdoms, he had good grounds to hope, that an equal trade, with the conditions to be annexed, would give perfect satisfaction, as well to the British as Irish nation. These were his general sentiments; for the sincerity of them he could alone be responsible, not for the success of the measure. As a friend to both countries equally, he hoped that parliament on both sides of the water would adopt what he thought was the line of justice, because founded in common interest, and directed evidently to promote at once their separate and joint prosperity.

His lordship reminded the noble earl, that although he possessed a greater property in Ireland than in England, and was nearly connected with the former both by interest and affection, that his attachment did not originate in motives of a nature so apt to influence his conduct as those which might be supposed to operate upon that of the noble lord. He was born in England; his parents were born here; and all his ancestors. The noble lord was a native of Ireland; and though descended from an English family, so many centuries had elapsed since it settled in that kingdom, that if there was any ground for imputing a predilection to either himself or the noble lord, which he by no means pretended to say, the probability was, that its effects would be felt much stronger by the noble lord than by himself.

His lordship then adverted to the interpretation which had been put by the noble lord upon certain words dropped by him in a former debate, respecting Ireland. Those expressions he was ready to explain, and he made no doubt but the House would find them perfectly innocent of any insinuation that there was a power in the cabinet which could undertake to

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answer for the parliament. The obvious meaning of his words was, that previous to his acceptance of the seals, as Secretary of State, he desired to know the intention of his Majesty's ministers, and the opinion of his council, relative to future measures respecting Ireland; and received every assurance from them that government was thoroughly disposed to co-operate with parliament, in giving to that kingdom such an extension of trade as would put her on a footing with Great Britain on the scale of commerce. This was what he meant. He accepted the seals upon that idea and no other. It was not to be fairly presumed that government could give any specific assurance as to the actual event; but still it could undertake for its consent and support, in concert with parliament; and he would again repeat, that should he find himself deceived in that assurance, he would from that instant be no longer a minister. When he delivered his sentiments on this subject, the first day of the session, he little expected that his appointment to office would preclude him from giving his opinion as a lord of parliament. In that capacity only he delivered them, and as such he wished to have them understood.

The noble earl had objected to the second reading of the papers which were laid before the House, in consequence of the Address to his Majesty on the 11th of May. His lordship had, he believed, a very particular reason for objecting, because they contained evidence to induce every noble lord present to be persuaded that the motion was equally unnecessary and unfounded. The papers would have proved that every possible attention had been paid to the affairs of Ireland, and every means employed to procure such information as could be collected, in order to submit it to the consideration of both Houses of Parliament, that they might be enabled, from the most intimate knowledge of the state and condition of the sister kingdom, to lay down some effectual plan for relief. So arduous and important an undertaking did not belong to government alone. It belonged to the legislature at large, while the only proper business of administration was to furnish the means of doing it. These means they had already furnished, and as to the mode of procuring them, had proved themselves remarkably active, instead of being tardy or remiss. If noble lords would look into the papers on the table, they would be

fully sensible the charge of neglect, contained in the motion, was totally ill-founded. They would even discover, that so early as the month of May, his predecessor in office (lord Weymouth) had written to the lord lieutenant of Ireland, in obedience to the Address of that House; and likewise they would find his excellency's answer, dated so early as the 2nd of June, the very day the noble earl who made the present motion, moved another address to the crown, which had been negatived. Their lordships would see, that lord Buckinghamshire's answer was full of important information, derived in part from consultations had with many of the most leading and intelligent persons in that country. Finally, their lordships would be fully convinced, that the King's confidential servants had not, in the terms of the motion, been guilty of criminal neglect: and if any thing more was wanting to shew that the charge was ill founded, a very few days would bring an additional testimony of the unwearied assiduity of ministers; as within that period a noble lord in the other House (North) would move some propositions for the relief of Ireland, the result of that information which, during the prorogation of parliament, they had employed themselves in obtaining.

He could not therefore but oppose a motion, which, if agreed to, could tend only to create unnecessary jealousies and embarrassments, at a time when all parties agreed, that to promote union was the first object of every man who wished well to his country; a motion which involved all his Majesty's servants, whether living or dead, as well those who have acted for a series of years, as the minister of a week or a day; without proof or any evident foundation for the charge whatever; and when he was convinced in his own mind besides, that every thing had been done by them which was required both by the letter and spirit of the address of the 11th of May.

The Earl of *Abingdon* read a paper, containing a narrative of his having gone to the late lord Lyttelton's house, in Hill-street, a day or two after his decease, and being informed by his confidential servant, that his master had declared his determination, that a paltry sinecure place of 1,500*l.* a year, should not tie or bind his tongue; but that knowing what he knew when Wednesday came (meaning that day) ministers should see what lord Lyt-

telton was, having matters to reveal, against which all their acts of imposition and delusion, and hitherto unshaken effrontery, would not be sufficient to bear them up.

The Duke of *Manchester* strengthened the suggestions of the noble lord who made the motion, with respect to the opinion which almost universally prevailed out of that House, that the King was his own minister, a doctrine which he wished to have an opportunity of expressing his utter abhorrence of, on the first day of the session, had not the late hour prevented him. This alarming and unconstitutional doctrine had gone forth, and spread itself widely. The present period was sufficiently awful indeed, to make ministers tremble, not so much for the fate of their much injured and almost ruined country, but for their own personal safety, when their fears might warmly urge them to screen themselves behind the throne for protection; but responsibility would not be excluded even from that sanctuary. Public justice had before now found its way thither, and the world knew well, that Charles 1 lost his life, and James 2 his throne, for offences against the constitution, of infinitely less magnitude than those which marked the administration of the present reign. The objections made to the motion, by the noble earl who spoke last, upon the ground of a want of proof, he considered in no other light but mere cavilling. The neglect charged upon ministers was indeed self-evident; it was notorious within and without doors. The alarm created in this country, the disorders now reigning in Ireland, and the language of the Irish parliament, which was, in fact, no more than the echo of the universal voice of the people, proclaimed the ruinous and fatal truth beyond any evidence, which the mere forms and circumstances prescribed by a court of law, could possibly reach. The criminal neglect imputed had armed the Irish associators, and would, he believed in his conscience, produce similar associations in England, if a speedy dissolution of the present fatal system did not take place; the consequence of which would be, that some of the highest and most respectable characters in this kingdom would join in them, in order to procure a redress of grievances. In that ministers might find the people unanimous, and that was the unanimity which must restore the lost vigour of the constitution.

The Marquis of *Rockingham* said, the non-importation agreement in Ireland had not been general, but had been entered into only by some counties and towns, at the time his motion was made; but as soon as the Irish perceived that no relief was to be expected from ministers, though every branch of the legislature had promised it, the non-importation agreement became general, and the spirit of military association, which was directed solely to defence against a foreign enemy, soon assumed a different form; and looked forward to compel that relief which, with good will and good intentions on our part, had before no existence in the minds of the people of Ireland. Had something been done when he first moved, or if parliament had been kept sitting, according to the proposition of his noble friend, of the 2nd of June, neither the associations nor the non-importation agreement, would have ever existed in their present extent. Could their lordships, then, with such self-evident proof before them, refuse to pass a censure upon those men, who, by such base neglect or complicated folly and treachery, had forced the Irish not only to those measures already mentioned, but to the necessity of taking up arms to redress themselves, and into associations which, however well intended, most clearly amounted to a suspension, if not a subversion, of all the powers of legal government; and which, if speedy measures of conciliation were not adopted, might terminate in a civil war?

Among the grievances complained of by the people of Ireland, his lordship mentioned the expressions of disapprobation, on the shameful abuse and scandalous waste of the public revenues, and the pension list. As an instance of this charge, he mentioned the purchase made of the office of clerk of the pells in that kingdom, from the then possessor of that place, an hon. member of the other House, who was an ornament to his country (Mr. Fox) who held it by virtue of a patent, for 31 years. In describing the whole of this accommodation, he observed, that the net profit of the place was but 2,300*l.* a year; that the minister gave 30,000*l.* in hand, and a pension of 1,700*l.* per annum; but for what purpose did he make this usurious contract? Not to oblige or serve that gentleman; not to relieve that kingdom from an enormous annual charge of a sinecure place, which required no attendance, but to qualify for the place on the spot, a custom

long fallen into disuse, the very form upon every occasion, having for many years, and upon most occasions, been dispensed with, by the aid of a British act of parliament, but merely to accommodate Mr. Jenkinson, the present secretary at war, and to load the sinking revenue of that country, with a still heavier burden, by increasing the income of this sinecure place, from 2,300*l.* per annum, which it was when the hon. gentleman held it, to 3,500*l.* per annum, on Mr. Jenkinson's appointment; besides the 1,700*l.* a year given to the former gentleman on the pension list; by which means Ireland was loaded with a burden of 5,200*l.* a year, or an addition of 2,900*l.* as long as the patentee, and grantee, and the children of the former, included in the patent, should live, and 1,900*l.* a year, in perpetuity, in addition. Nothing could be more usurious, nothing more ungenerous, than this job of the minister.

His lordship then adverted to the union which had been recommended by a noble and learned lord (Mansfield) the last night; and disclaimed, in the most explicit manner, forming any connection, or upon any possible motive, which could be held out, uniting himself with the present ministry, whom he believed to be all under the influence of some secret agent. The marquis concluded with exhorting their lordships to agree to the motion, as the only method of convincing Ireland of the generous intentions of this country towards her, and that the conduct of ministers was not the real sense of the parliament of Great Britain.

Earl Gower said, he should vote against the motion, even though there did not exist a single doubt in his mind, that the censure it contained was not well founded; his motive for adopting a line of conduct, so diametrically opposite to his private opinion, was the very great respect in which he held the decisions of that House. The men who were the object of public censure, had desired a few days to acquit themselves, and the dignity and wisdom of parliament was interested in giving them the short time they asked, in order to exculpate themselves. Independent of that consideration, he was, for his part, fully convinced, that the charge of neglect urged against them was strictly true, though not yet evident. Things were not yet ripe for proof, but they would, he ventured to say, be shortly so. He had the good fortune to unite the House last

session, upon the terms of the Address to the throne. He was in hopes that something effectual for the relief of Ireland would have arisen from the unanimous concurrence of their lordships, in the amendment he then had the honour to propose. If, however, nothing had been done for the relief of that country, which he was pretty sure was the case, he assured the House he had done every thing in his power to keep his word, which he had solemnly pledged to their lordships, he was ready to acknowledge, but he must add in his own justification, that his efforts had proved totally unfruitful. It was not in his power, nor in the power of any individual, to effect any such purpose. He had presided, he said, for some years at the council-table, and had seen such things pass there of late, that no man of honour or conscience could any longer sit there. The times were such as called upon every man to speak out: the situation of the two kingdoms, particularly at present, required sincerity and activity in council. He had supported the American war upon principle. It was his opinion that the supremacy of this country should be first asserted, and afterwards, that every possible indulgence should be shewn to our colonies. He was confident, that the resources of this country were equal to the dangerous confederacy formed against us, but to profit by those resources, energy and effect must be restored to government.

The Duke of *Richmond* attributed all our public calamities to the overgrown power of the crown, its influence upon parliament, and above all, the secret influence which had directed and controuled the councils of the present reign. The noble earl who spoke last, and who had lately presided in his Majesty's councils, had in fact acknowledged it, for he had said, that he could no longer remain in his former situation with honour or conscience. What was this but affirming in so many words, that the same secret influence and secret advice which had distinguished the present from every other reign since the Revolution, still continued to support every bad, and to counteract every good purpose which had marked the measures of the British cabinet, since the accession of the earl of Bute, as minister of this country?

Lord *Stormont* was of opinion that no part of the charge contained in the motion had been proved,

Lord Camden said the motion was so fully substantiated in all its parts, that there was not a proposition in Euclid, the demonstrative proof of which might not, with equal justice, be controverted or denied. Ministers had been desired by the King, Lords, and Commons, to give Ireland relief; to enquire into the nature of their distresses, and remove the ground of their complaints. The question was, had they done so? If they had, the motion must fall to the ground; if they had not, did not the *onus* lie upon the ministers to state the reasons why they had not, or were unable to perform what they were entrusted to execute? He spoke highly of the Irish nation, of their loyalty and affection, their wisdom and their public spirit. He hoped, and believed, notwithstanding the ill-treatment they had received, the cruel burdens imposed upon them by this country, and the succession of neglects and harsh measures they had felt, which had at length brought on an accumulation of distresses and calamities; that yet, all circumstances considered, they would still retain their affection and attachment for England. Nothing should be done by halves, nothing niggardly or apparently accompanied with reluctance. He lamented the state of public affairs, and the baneful consequences of the American war; yet he did not entirely despair of at least the friendship and good will, though, perhaps, we had no great right to hope for the sovereignty of America. Ireland was still ours, and devoted to us. This island, with the aid of that kingdom, was still equal to make a most respectable figure among the powers of Europe; and if nothing better could be procured, he was persuaded, that with Ireland, rendered useful to herself, and of course to us, we should still be a match for any confederacy which might be formed against us, provided America were only prevailed upon to act a neutral part; that he was inclined to believe might be yet accomplished by moderate, healing measures. His lordship then considered the question, so far as it appeared to him to be supported by proof, which he considered in several lights, according to the rules of legal interpretation, and concluded with observing, that the premises carried conviction on the very face of them, and he must therefore give his assent to the motion.

The Lord Chancellor said, he did not rise so much to deliver his sentiments, and to defend ministers, as to support the mode

of proceeding established in that House. What was the purport of the charge, taking it in its utmost latitude and extent? That parliament had desired ministers to do something, which some of their lordships said they had not done. Here two questions were to be discussed, before any determination could be had. First, whether ministers had not executed what they had been desired? Secondly, if they had not, whether they were blameable? Nothing had been so much as suggested, to prove that the intentions and wishes of parliament had not been fully complied with. Both must however be proved, before the House could, with a colour of reason or justice, proceed to a vote, one way or the other. Ministers might have failed in the performance of what was expected from them by parliament, and yet be very innocent, nay, have acted meritoriously, though unsuccessfully: on the other hand for ought that appeared to their lordships, ministers had fully performed what was expected from them; in either event, nothing appeared to shew that they had failed, or that they had not adopted the most proper measures for attaining the object which they had in charge, though their endeavours had miscarried.

The House divided: Contents, 37; Non-contents, 82.

Debate in the Commons on Lord George Gordon's Motion respecting the Defensive State of Scotland.] Dec. 3. Lord George Gordon rose, and after going into much miscellaneous matter relative to the King's speech, the present state of this country, the views of France and Spain, &c. his lordship moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all Applications that have been made to his Majesty's secretaries of state, and secretary at war, since the commencement of hostilities with France, by any of his Majesty's loyal and faithful subjects of North Britain, for arms, accoutrements, or ammunition, for the purpose of putting their country in a posture of defence, against the depredations or invasion of the enemy, together with copies of all the Answers that have been given to such applications." He then explained the purport of his motion, which was, that the House might be informed of the motives which induced his Majesty's ministers to reject an offer made by the nobility,

gentry, and freeholders of Dumfries, to arm themselves at this important crisis, in the defence of that part of the united kingdom, which was totally neglected by ministers, by having the military drawn forth to other services; and that such being the real state of that country, that the people being armed, they might be enabled, at least to protect their property, in the vicinity of the coasts, from predatory invasion. When his first motion should be disposed of, he meant to follow it with moving, "that an Address be presented to his Majesty, that he will give direction, that a sufficient quantity of arms, according to the extent and necessity of his Majesty's faithful and loyal subjects of North Britain, be forwarded for the purpose of putting that country in a posture of defence, in the most economical and constitutional manner." He explained what he meant by arms. He did not mean that they should be confined merely to firelocks and bayonets; but should include every article fit to equip a soldier for real service. His native country had been almost depopulated by the new levies and the recruiting parties, who had, in the course of two years, drawn from it upwards of 30,000 men, the very flower of its native strength and protection. Surely now, ministers who had derived such apparent benefit by the means those levies furnished them with, for carrying on their favourite measure, the American war, could not, without ingratitude and folly, refuse to arm the old men and boys of the country in defence of the women and children.

Mr. *Dempster* approved much of the second proposition, because he was against all partial favours or local distinctions. England was armed; Ireland was armed; North Britain was defenceless, and had, very improperly, been denied a militia for their immediate protection.

Sir *George Yonge* said, that many complaints had been made, that manifest partiality had been shewn in the accepting of some offers, and the rejecting of others, in the southern part of the united kingdom. Some had been publicly spoken of, others he had heard from private intimations, which he had no reason to discredit. But to go to the bottom of the business candidly and impartially, and learn the nature of the accusations on one hand, and the defences respectively set up on the other, he wished that the noble lord's motion were extended, which might be done without

any difficulty, by substituting the words "Great Britain," instead of "North Britain."

Lord *George Gordon* acquiesced in the alteration, though he confessed, when he first rose, he had nothing more in contemplation than the partial refusal given to the inhabitants of North Britain in the case alluded to. He did not believe, however, that the people of that country would soon forget the disgraceful manner in which they had been treated by the secretary at war; he begged pardon, he meant the noble lord in the blue ribbon, whom they would never again confide in, after having treated them with such unprecedented treachery and unprovoked insolence; for he understood by the correspondence of the secretary at war, that the measure was not his, but that of the cabinet; and who directed the resolutions taken in cabinet, might be easily collected from the stile of the letters, "It is his Majesty's pleasure, &c."

Mr. *Jenkinson* (Secretary at War) said he had no objection whatever to the motion, and went with the hon. baronet who moved the alteration, by which its effects would be extended to England; and the more so, as it would give him an opportunity of justifying his own conduct, respecting the offers accepted or rejected, in both parts of the kingdom. The correspondence between him and the gentlemen of the county of Dumfries, so far as he had been concerned, was dictated by the best motives; nor could he discover that the offer was improperly rejected, if it could be understood to amount to rejection at all. The offer was a generous and loyal one; but as his Majesty's ministers, at the time it was made, thought the military force then in that country fully adequate to the protection of it, they looked upon it to be totally unnecessary to put government, and those who made the offer, to needless expence and trouble. On the other hand, if the troops should be necessarily called from North Britain to other service, he made no doubt, but in that case his Majesty's ministers would gladly have closed with the proposition, and whenever exigencies should happen, that might render the assistance of the military in any other part of the empire requisite, that, and similar offers, would be received with the attention, cordiality, and respect, which was ever due to every part of his Majesty's dutiful and faithful subjects. As to the noble lord's second proposition, which

went to interfere with the exercise of one of the most important trusts vested in the crown and the executive power, he thought it not a fit object of parliamentary consideration; unless indeed under very peculiar circumstances. No such pressing emergency at present existed; as there did not, he should be unwilling to give his approbation to any measure which might tend to weaken the hands of government, or betray a distrust in any thing that related to the power vested in the crown for the purposes already stated. The noble lord had alluded to the Declaration of Rights, on which the resolution was founded, in order to shew, that the King's subjects had a right to arm themselves in times of manifest danger, and for the purposes of defence. He believed, in certain circumstances, the noble lord might be right; but allowing the doctrine to be founded every way, and perfectly applicable to the existing state of Scotland, it would not admit of the inference which he drew from it; that ministry were censurable for not giving the people of North Britain arms. The most the Bill of Rights declared was, that the people had a right to arm themselves, not that government were obliged to arm them: yet this was the ground of the noble lord's motion, which led professedly to an intended censure of his Majesty's confidential servants.

Lord George Gordon said, the right hon. gentleman might have spared his information, that government were not obliged to find arms for whoever might apply for them; for that the power of granting or refusing was evidently vested in the executive power. Had it not been on that account, he should not have been under the necessity of troubling the House on the subject. It was because the people of Scotland, naked and defenceless as they were, could not demand arms from administration as a right, that he was so desirous to obtain them through parliament. Applications had been made, and they had failed; he therefore hoped, that parliament would bring about what there was no prospect of effecting in any other manner.

Mr. T. Townshend agreed with the right hon. gentleman at the head of the war department, that it was not the business of parliament to interfere, nor without sufficient grounds to attempt either to exercise or abridge the power of executive government; but as a general abstract proposition, he presumed, the right hon. gen-

tleman did not mean to contend that that House was not as competent in certain cases, and under particular circumstances, to controul the executive government, as to vote the supplies, enquire into the expenditure of public money, or call upon the advisers of any one measure which could be deemed an act of the crown, respecting the counsel which they had given to their sovereign. The first proposition which the right hon. gentleman so cheerfully agreed to, was as much an interference in the exercise of the executive government, and a controul upon an act of the crown, as the second. One was to enquire what offers had been made, in order to be informed whether any had been improperly received, or partially rejected; the other was directed to a full enquiry into the merits or demerits of the refusal, adverted to by the noble lord, to learn whether the refusal to arm was a wise and expedient measure. For his part, he was extremely desirous to see what other offers were rejected besides the particular offer which had been mentioned by the noble lord; and he was well pleased that the hon. baronet, by his amendment, had rendered the original motion more extensive. He understood, a very great land force would come to be voted in a few days; a greater than this country ever before had in pay, particularly a native force and within the kingdom; a force indeed in every respect so formidable, as to administer just cause of suspicion in the breast of every real friend to his country and to the constitution. Though the noble lord, the commander in chief, had been his dearest friend or relation, he was determined to view him with a watchful eye, and strictly to scrutinize his conduct. He was aware that the noble lord's situation had brought upon him much enmity and ill-will; and was convinced he acted impartially, though, perhaps, not unexceptionably; a clearer proof of which need not be adduced than that complaints poured in on all sides, and did not proceed from any particular description of men. When the documents now moved for were before the House, he should then be able to judge how far those murmurs were or were not founded.

Sir William Conyngham replied to some parts of the speech made by the noble mover, and contradicted several of his assertions. He denied that the defence of Scotland was entrusted to old men or boys, or that the country was drained of

men fit for service. On the contrary, he was persuaded, from his own knowledge, that the fact was otherwise. No better proof need be adduced that men were not wanting, than the recent reduction in the price of labour; and as to the want of a military defence, he was himself a witness at Edinburgh, when Paul Jones was in the Firth of Forth, of the respectable state of preparation that that part of the coast was in, had that audacious rebel dared to have attempted a landing. He added, that so far from men being scarce in Scotland, that several battalions might now be raised there; that he heard of propositions to that effect: believed they were under consideration, and if accepted of, would prove, he had reason to think, extremely practicable in the execution.

Mr. *Turner* was severe on an observation which fell from the hon. gentleman who spoke last, that the decreased price of labour was a proof of the plenty of men in the country alluded to; whereas, if that gentleman had thought a second time in his life, or read a single book on the subject, he could not have failed to learn that a decrease in the value of labour bore an exact proportion to the want of employment in agriculture or manufactures; the conclusion therefore, he was authorized to draw upon every ground of speculative argument and actual experience, confirmed by every dead and living authority on the subject, was, that the cheapness of labour in Scotland arose merely from the declining state of cultivation, and of the manufactures carried on there. He attributed all our misfortunes to the misconduct, folly, and wickedness of ministers; and protested solemnly, that in his opinion, a French or Spanish government was infinitely preferable to that under which we lived at present. To prove this assertion, he instanced the base, scandalous, and disgraceful means made use of to recruit the army. He had himself, a few weeks since, been a witness at York of scenes which filled his breast with indignation, even on the very recollection; where the acquittal of the felons in the prison was conditionally, that they entered as soldiers; and he had seen the same man heavily ironed, and unfettered within a few minutes, with a cockade in his hat! That on one of these occasions he remembered, the gaoler had applied to him for his advice, telling of a man who had been just acquitted, and was then under his protection, and desiring to know what he

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should do, as there was a press-gang in the yard waiting for him, and whether he should deliver him up to them? The answer he gave to the gaoler was, "If you mean to gratify the grand jury, you will deliver the man up to the press-gang; but if you wish to act like an Englishman, you will not regard the displeasure of the grand jury, but will set him at liberty; for as he has been acquitted by the laws of his country, no matter whether justly or unjustly, you have no right to detain him or dispose of his person." The gaoler followed his advice, by acting as an honest Englishman, and set the man at his liberty. He said the recruiting service, as now conducted, was a disgrace to any civilized country. The recruiting sergeants not only performed the duties expected from them in time of war, that of ensnaring and trepanning for their own regiments, but such of them as were expert in their business were let out, for the purpose of making contracts, at so much per head, for furnishing recruits, as if the men thus procured were so many beasts, to be disposed of at so much a head, and so much profit, at Smithfield or any other market.

Lord George Gordon then postponed his second proposition. The first, as amended, being agreed to,

Lord *North* confirmed the sentiments of Mr. Secretary at War, that the interference of parliament, with the executive government, was very improper, but upon particular occasions; as to laying before the House what offers had been made, what had been rejected or accepted of, he had no manner of objection; he should therefore consent to the motion now made; but would wish to be understood as by no means approving of the second proposition which the noble lord had consented for the present to postpone, as it would, in his opinion, tend to abridge the executive government in the exercise of one of its most essential powers.

Debate in the Commons on the Land Tax of Four Shillings in the Pound.] The House being in a Committee of Ways and Means,

Lord *North* rose, and moved a land-tax of 4s. in the pound, and a proportionable cess to be levied on Scotland, according to the terms of the ninth article of the treaty of union.

Colonel *Barré* alluded to the neglect of some of the departments of government, which suffered the collectors of the land-tax

to run so much in arrear, which operated as an act of injustice either upon the whole body of those who were chargeable with the tax, and had paid it, and were subject to make good the deficiency; or, if no arrears were due, it lay in the hands of those who should have paid it into the Exchequer.

Lord *North* acknowledged that the inconvenience stated was, in a great measure, true; but it was neither the fault of the Treasury-board nor the commissioners of taxes; that the latter had no power to compel the receiver general to pay in the deficiencies, nor the commissioners in the respective counties appointed to collect, to make returns. Such being the state of the affair, it was his opinion that the inconvenience could not be remedied but by the aid of parliament.

A kind of conversational debate arose, in which sir Joseph Mawbey, Mr. Baldwin, and Mr. Whitbread took a part, each of whom, for some reason or other, condemned the present mode of collecting the land-tax. At length,

Mr. *David Hartley* rose, and made a very long speech, the greater part of which consisted of a numerical detail relative to the state of our finances; the amount of our national debt at the commencement of the war; the debts contracted since, funded and unfunded; the interest growing due on the debts already funded; and the probable interest which would be payable on the remainder when they should come to be funded, &c. His general totals were as follows. The excess of expenditure of the campaign of 1775, nearly two millions; of 1776, six millions; of 1777, six millions and an half; of 1778, ten millions; and of 1779, twelve millions; in the whole nearly 37 millions of debt actually incurred, over and above the expences of the regular peace establishment, except such parts as had been drawn from the sinking fund. He said, the debt funded within the four last years was twenty millions; in 1776, two; in 1777, five; in 1778, six; and in 1779, seven millions: that this debt bore an interest of 1,100,000*l.*; that the debt unfunded was about 16 millions in the whole; which would carry probably an interest of 900,000*l.*, which would fix the debt actually incurred to end the 31st Dec. next, at about 36 millions capital, and bearing an annual interest of two millions in perpetuity, for which the lands of England stood most engaged to the public creditors. The principle stated was independent of

what was drawn from the sinking fund, after making up the difference between the annual grants of land and malt, and the peace establishment.

The campaign being already determined upon, he said he was fully justified in following up his computations, as if the money had been actually expended. The excess or difference between the ordinary revenue he estimated at 14 millions, which, though a peace should be concluded in the course of the ensuing year, would leave an arrear, or tail behind it, of at least eight millions, making in the whole 22 millions of unfunded debt. This last sum, added to the new debt already due, would form a capital of 58 millions carrying with it an interest of upwards of three millions, so that taking the old debt, which was 135 millions, for which the public creditors received annuities to the amount of nearly four millions, and have in perpetuity, with the new debt of 58 millions, and the evident conclusion would be, that by that time twelve months the national debt would be nearly approaching to 200 millions, and the annual interest paid to the public creditors, to full eight millions and an half. To prove his premises, relative to the excess of expenditure of the year 1780, over and above the ordinary revenue; he computed the navy grants at about eight millions, the army, including ordnance and militia, about as much more; vote of credit one million; exchequer bills of last year to be paid off, about two millions; which, with the assistance expected from the East India Company, would leave 12 millions of a deficiency to be funded. He next proceeded to shew the pernicious consequences of incurring so much unfunded debt, by which the market was glutted, and while we paid more than double the legal interest for navy bills, ordnance debentures, &c. it had this still, if possible, more mischievous effect; it went to prevent the public from funding upon reasonable terms, and by that means loaded posterity with a perpetual annual burden of at least one million, for which, in fact, the nation never received a single shilling value. The navy bills were at 12 per cent. discount, and he understood the ordnance debentures at 20 or 30 per cent. How, then, was it possible when such a quantity of unfunded debt was left floating in the market, and at so high discount, and of course so enormous a profit, that the minister could procure a loan upon any thing like reasonable

terms? The last was made at 6 per cent. beside the douceur; and yet the Chancellor of the Exchequer, though he wanted another million to the sum borrowed, in order to reduce the amount of the new exchequer bills which had been issued the preceding year, could not procure it; and would probably now be obliged to borrow at 7 per cent. if he could get it even on those terms. What then, was the prospect before us? A debt nearly approaching to 200 millions, carrying with it 8 millions annual interest, issuing with it negotiable securities at 12 per cent. and funding at the rate of 7. Look a little further, and see who are your adversaries? No less than France, Spain and America; in short, the whole of our situation within and without, was truly tremendous and astonishingly alarming. If this was our real condition, ought it not to be the first duty of every man who felt for himself, his country, and posterity, to assist in extricating us out of our present difficulties, and to devise the best means in his power, to break the force against us, on one hand; and to increase our internal strength on the other. There appeared to him but one possible measure within the extent of human invention, which promised to effect this; and that was procuring union at home, and separating America from her alliance with the House of Bourbon.

He so far approved of the speech from the throne, as it recommended union and national exertion against our foreign enemies, who had leagued for our destruction, or, indeed, total annihilation; and he believed that there was not a second opinion in that House on the subject: being persuaded that there was not a man in the kingdom, who would not cheerfully unite, not only in a defensive but an offensive war, and the most vigorous exertions against the united efforts of the House of Bourbon. He was one of that description, and in order to promote the union he had described, and at the same time to weaken the force of the enemy by detaching America from this dangerous confederacy, insignificant as he might be, he had endeavoured all in his power to bring about so desirable an event.

Being given to understand by an authority upon which he could with safety depend, (Dr. Franklin) that the people in America, or the ruling powers there, were desirous to quit the confederacy and accommodate their disputes with this country, he communicated this important in-

telligence to the noble lord in the blue ribbon, and had his approbation to sound the expectations, and feel the pulse of those with whom he was to communicate on the subject. He did so; and after taking great trouble, and spending some time on these overtures, which were to form the basis of conciliation, he acquainted the noble lord with what was deemed by America as the first preliminary, which was a truce for ten years, upon the footing of the *uti possidetis*, and every condition usually annexed to such a preliminary; and in the mean time, to appoint a meeting to be composed of deputies from both sides, in which the respective pretensions of Great Britain and America might be discussed, and finally decided upon. This was the ultimatum, on which, as a preliminary article, he was commissioned to lead the way to negotiation. He accordingly waited on the noble lord, and acquainted him with what had passed, who positively rejected the proposition, as totally inadmissible. He appealed to the noble lord's recollection, if this was not the true state of the case, and to his good sense, whether it was not more advisable to have America act even a neutral part, than have her a declared enemy? In one event, the memory of what the colonies called cruelty, injustice, and oppression, and all the real or ideal wrongs which they felt, might gradually fade or die away; allied to us by blood and interest, speaking the same language, accustomed to the same laws and manners, and professing the same religion, it was probable, nay more than probable, influenced by every motive which operate on mankind, in their several relations and habitudes, that such fixed grounds of prejudice, partiality, and interest, would soon stifle resentment, and make way for that confidence and affection which unite men, and induce them to prefer the happiness and prosperity of those with whom they once were so closely connected. The noble lord, however, by rejecting the proposition he had just mentioned, banished all expectations of its being ever again repeated. He was very certain, if the minister now consented to negotiate, that the next ultimatum would be considerably short of the former; and if some proposition were not made immediately, that America would never listen to any.

With an approaching debt, such as he had described; the total impracticability of restoring America to this country, by

the means of coercion; the great and almost irresistible power of the House of Bourbon, while one half of our national strength was directed against America, he saw no prospect of any thing, but repeated defeats and inevitable ruin. He therefore earnestly exhorted the country gentlemen to look to their property, by which those enormous burdens were to be ultimately borne; to the honour of the nation, which had been disgraced, and above all, to the possible issue of such a contest upon so unequal terms, and to the ultimate decision which might rob them of every thing which they hold valuable, as citizens or Englishmen. What, then, was the real contest this country was engaged in? He would tell those gentlemen what it was, so long as America continued to form a part of this alarming confederacy, and what it probably would be, if America preserved a neutral conduct.

He should here, in the first instance, support his reasoning upon facts universally acknowledged, and of which he had the most authentic proof in his pocket; the one was the Justifying Memorial of the court of Madrid; and the other, the Motives which induced the court of Versailles to enter into the war. He could not authenticate them at the bar of the House; but as answers had been given to each of them, by the British court, one professedly so, and the other supposed to be genuine, he meant the answer to the French Motives, he looked upon himself fully at liberty to consider the answers, as well as the original papers, to be authentic, because the Justifying Reply to the French Motives had not, that he could learn, been disavowed by the British court. In the Spanish state paper, there were two very remarkable expressions; first, that his most Catholic majesty was determined never to lay down his arms till he had annihilated the naval power of Great Britain: and that Spain had offered a preliminary proposition, for Great Britain to agree to a ten years truce with America; which shewed, that while the noble lord in the blue ribbon was negotiating with Spain, on the idea of a truce, his lordship meant in the end to reject it, as he had with him. In the French Motives, were likewise two remarkable expressions; one was, that his most Christian majesty was resolved to subdue the naval force of Great Britain; the other, that Great Britain, while negotiating at the court of Madrid, and with America,

through him, had made advantageous offers to France, in order to detach her from America. What these offers were, he would not pretend to say; he would not charge the noble lord with selling his country, or rendering up any part of its possessions, in order to enable this country to pursue its favourite object, or rather the favourite though wild, Quixote, and impracticable measure of coercing America; but this he could fairly and confidently affirm, that the conduct of the noble lord, whom he considered as the minister, could only be justified in proportion to what advantages he had offered, and what his country was to receive in return. If the latter was inferior to the former, though the noble lord might not be guilty of corruption, by selling his country, he would appear equally criminal, if the detaching France from America, and the inducements held out to her, exceeded the probable benefits to be derived from abandoning America. This was the true test by which the conduct of the noble lord could be tried.

These circumstances, which he had taken the liberty to trouble the House with, compared with the Speech from the throne, left not a single doubt upon his mind, that although America had not been mentioned in the Speech, it was the intention of administration to proceed in the same manner they had hitherto done, in relation to that country. The mentioning America had been carefully omitted in the Speech, merely to conceal the secret designs of ministers; and to lead the independent part of that House, to believe that the nature of the contest was changed; that all our efforts were to be made solely or exclusively against the House of Bourbon, and that, consequently, whoever opposed the present ministerial system, were the real enemies of their country. The veil was however much too thin to hide the true purport of that speech, from those who had paid the least attention to the deceptious language held by ministers in that House, for a series of years back. The imposition might answer the purposes of the day; but it could not long continue to operate. The real intentions of administration had in part transpired; he understood a most formidable military force was to be employed the next campaign in America, but as the fact, though not to be disputed, might be evaded on the ground of the destination of this increased military force; he wished to know

from the noble lord in the blue ribbon, whether it was meant to carry on a coercive war in America, the ensuing campaign?

He then described the destructive system which had prevailed in our councils for some years past, which had been supported by the influence of the crown, as the great source of all our national misfortunes. He adduced a great number of instances in proof of this general charge, and among others, the resignation of two noble lords, one of whom had declared in another assembly (earl Gower) that he had continued to act with them as long as he could with honour and conscience. [He was here called to order by lord Nugent, who observed that it was irregular to allude to what passed in the other House of Parliament.] He directed his discourse once more to the country gentlemen, who had, by their independent and disinterested conduct, at all times, rescued their country in moments of danger and embarrassment, to exert themselves without any view to party distinctions. He said, that valuable description of men began now to perceive that they had been imposed upon and misled, and as soon as that idea became more prevalent, he assured the noble lord in the blue ribbon, however secure he might be in thinking that he could continue to derive support from decisive majorities in that House, his lordship was in more personal danger, than perhaps he might be led to imagine.

Lord North, in reply, said, that something had dropped from the hon. gentleman which rendered it necessary for him to give some explanations, so far he meant as he was himself personally concerned. The hon. gentleman had informed the committee, that he had offered his services, respecting the negotiation alluded to, merely from disinterested motives and a sincere wish to serve his country; to which declaration he gave the fullest credit; and that throughout the whole of that business he was by no means hostile to administration, of which he was equally well satisfied. Peace, he was convinced, was the hon. gentleman's object, and his conduct in every part, shewed that his desire to feel pulses was directed to that and that only; but he could not help saying, that it was an unfortunate negotiation, because it answered no end. It gave birth to many conversations. He did not recollect that he had given the hon. gentleman

any express authority to treat; and as nothing passed in writing on the subject, he did not expect to hear a syllable mentioned of what might have passed in a loose general conversation, because words and expressions thus dropped, were so liable to be misconceived by one party, and inadvertently and unintentionally let fall on the other, that he did not see how they could be referred to any specific or determinate point.

The hon. gentleman had acknowledged, that he employed himself, that is, that he had moved the matter to him first; he was willing to repeat, he believed upon motives the most commendable; but he could not avoid saying once more, that the negotiation proved most unfortunate in the event, because it was the cause of great trouble and solicitude to the hon. gentleman, and ended in nothing. It was very true that the hon. gentleman, from what authority he could not pretend to determine, informed him of an inclination in the people of America to negotiate with this country, and tendered his services for the purpose of bringing about so desirable an event; for which he personally thanked him, and thought his country stood indebted to him for his good intentions, and his zealous endeavours to promote what he imagined might tend to the advancement of its prosperity.

The hon. gentleman had acquainted the committee what the preliminary articles were which America were willing to agree to, namely a ten years truce, a possession of the places then held by Great Britain and the United States, and all the subordinate regulations and conditions arising from, or dependent upon this preliminary article; but that, on being proposed to him, he had rejected it. Most certainly he had, and would again if the propositions were repeated; he would never consent to treat with America upon the footing of an equal. As subjects aggrieved, or believing themselves aggrieved, he made no doubt but parliament would always be ready to hear, and cheerfully co-operate with ministers, as far as the interests of the whole empire would permit, to give them the most full and satisfactory redress; but should we once agree to treat with our rebellious subjects in arms, and negotiate with them as equals, in that instant would all our rights be conceded; for to talk of parliamentary supremacy and dominion, and affect to stand upon the ground of governmental controul with

people who denied the existence of those claims, would, in fact, be relinquishing under the cover of a truce, the sole and essential point in question, that is, whether they were our subjects, or composed a free, sovereign, and independent state?

There was another circumstance which had been much dwelt upon by the hon. gentleman, as highly criminal in ministers if true; that was a passage in the Justifying Memorial of the court of Madrid, soon after her declaration of allying herself with France, the purport of which was, that she had acted as mediatrix between the courts of London and Versailles. The fact was not denied, it was notorious; but what is the inference the hon. gentleman draws from what Spain affirms in that passage? Spain says, the terms she proposed was a ten years truce to take place between Great Britain and America, during which period the rights or demands of the respective claimants might be amicably adjusted. What was this proposition but the very transcript of that made by the hon. gentleman under his confidential or plenipotentiary powers? Yet, the hon. gentleman affects no small degree of astonishment at this offer being rejected, though he himself bears testimony that a similar offer, made by him, was as peremptorily rejected. For his part, as he never could think that it would be proper to grant American independence, so neither could he consent to agree to the truce proposed; and such a truce coming through Spain, afforded an additional reason for rejecting it; because Spain herself had furnished two very remarkable instances that a Spanish truce, made with subjects in arms or rebellion, substantially implies independence. What was the event of the truce she made with Holland, and afterwards with Portugal, both of which at one time formed a part of her dominions? The first truce with Holland was prolonged by a second truce; she made in like manner a truce with Portugal; and at the expiration of one and the other, both truces ended in an acknowledgment of their independence.

But to this formidable accusation, the hon. gentleman had added another, which was to answer every proof of constructive guilt, and to wear a darker complexion, though drawn from a doubtful, at least from a partial and prejudiced authority. After informing the public of her mediating efforts, and of their being rejected, the court of Madrid charges the British

cabinet with holding out advantageous offers secretly to France while the mediation was still depending, in order to detach France from America.

Two questions were necessary to be decided before a proper answer could be returned to this charge: 1. Whether any such advantageous offers had been made to France? 2. If there had, whether it was criminal in those who made them? He could not recollect that any offers had been made to France secretly or publicly to induce her to break off her present connection with America; if any were made, he knew nothing of them, or could safely affirm, that he did not remember them; but allowing that the fact was just as the hon. gentleman had stated it to be, he was not conscious that the British cabinet had acted criminally. The hon. gentleman had afforded an instance in his own conduct that the great object of his negotiation was to disunite France and America; and he presumed, the hon. gentleman was not conscious that by so doing he had acted criminally. He might imagine, perhaps, that there was a difference in the mode, but most clearly the effect was the same, whether America was detached from France or France from America. But he would go a step farther: he would suppose, for argument sake, that advantageous offers had been made secretly to France, and that there was a preference as to the mode of bringing about a separation between the latter and our colonies; the hon. gentleman had still administered grounds of sufficient justification on the contingency expressed. The hon. gentleman had acknowledged, that if the secret advantages held out to France did not amount to more, or were not greater than the advantages derivable from the Spanish mediation, and his own preliminary article of a ten years truce, and the *uti possidetis*; in that case ministers would not appear either culpable in rejecting the latter, nor in offering the former. He would again repeat, that there was nothing he more ardently sought than to disunite France and America, and that he should use every effort in his power to effect it consistently with the interests of the empire and the dignity of a great nation. He knew, however, nothing of the advantages alluded to in the Spanish Justifying Memorial which induced him to believe that no offers of that kind had been made; and he had little to hope on that head, as powers confessedly acting in concert, he

had every reason to believe, so long as the confederacy lasted, would respectively hold the same uniform language; two of them, Spain and America, had, by the hon. gentleman's own narrative and reasonings, confirmed the truth of this observation; and it was natural to conclude, that France, who was at the head of the confederacy and the main spring which moved the whole machine, would depart from a rule of conduct which she herself had most probably dictated to her other two confederates.

The hon. gentleman had observed, that the speech from the throne recommended the most vigorous and united exertions to be made against the alarming confederacy which had been entered into by France and Spain, for the purpose of destroying the independence and commerce of this country, though it remained totally silent, and purposely so, respecting America; but while the hon. gentleman made the charge, he in a manner anticipated the answer he meant to give him immediately on the subject. He reminded the House that this was a deceit and fallacy put upon it, for that the great military preparations apparent from the estimates on the table were intended for America. After assuring the hon. gentleman that ministers never meant directly or indirectly to imply any intention of abandoning America or the war there, he would now say, that although the hon. gentleman's inference on the silence was unfounded, the fact was unquestionably true, that the American war was not given up, nor any part of our possessions in that country meant to be either deserted or evacuated. If the King's confidential servants had thought it advisable to grant America independence, under the previous approbation of parliament, we should have had no foreign war. If in any progressive stage of the war it had appeared proper to make such a concession of our legislative rights, we should now probably be at peace with all the world; or if, at the instant he was speaking, such a measure were adopted, he was inclined to believe that the public tranquillity would be shortly restored.

It was for the dominion of this country over her rebellious subjects that we were now contending. Whenever parliament thought proper to relinquish that dominion, and cease from all farther struggle for the constitutional establishment of it, he must and should cheerfully acquiesce, how much soever his own opinion might militate

against it. He never thought such a measure would be right at any period, and perhaps as little so now as at any former one. The question was simply this: will you give up your American dominions, your commerce, and eventually your naval power and naval consequence? Will you, in short, come to a vote to part with your national dignity, possessions and most important and essential interests? If parliament were prepared to give such a vote, the sooner it was done the better; if not, it was inapplicable to the present sentiments of the House and prevailing opinions of the people to talk of preliminaries, which in fact implied, by direct consequence, the actual independence of the colonies.

The hon. gentleman observed, that the army estimates on the table were enormous, and much exceeded the highest estimate of the late war for that particular service. The observation was just; but if our situation called for such a military establishment, nothing remained to be said on the subject; it was an inevitable consequence arising from our situation, and must be submitted to. He hoped, after the explanation now given, that the hon. gentleman's charge against those who advised the King's Speech, with an intention of concealing their designs from parliament because they had not mentioned America therein, would be given up, and that the hon. gentleman would rest satisfied on one hand, that ministers meant not to delude parliament, or mislead the nation into a belief that they intended to concede the rights of this country to the ill-bounded pretensions of our rebellious subjects; or, on the other hand, that they were not determined to pursue such measures as promised most speedily and effectually to lead to the full attainment of their object. On the whole, the hon. gentleman had urged no charge against administration, in his opinion, but what might be defended by the circumstances which accompanied it; the only charge which could imply any crime, if strictly true, was the making offers to France more than equivalent to the benefits to be derived to this country in return; as far as his memory served, it was totally unfounded, but be that as it might, no judgment could be made till it was first known, whether what was to be parted with, was more than what was to be received in exchange.

Mr. Hartley restated his former arguments, and contended, although it might

be said that he had not been actually employed by the noble lord in the negotiation, it was evident, by the noble lord's own acknowledgment, that when he informed his lordship of the temper and disposition of the ruling powers in America, his answer, approving of sounding and feeling pulses, amounted to a tacit or implied assent. As to the offers held out to France, to detach her from her alliance with America, he was willing to stand on his former ground, that the propriety of those offers would be known, when their nature and extent should be made public.

Lord *North* said, he did not wish to conceal any thing; he knew the hon. gentleman had made a tender of his good offices, which, so far as such a matter could admit of, were accepted; but it would indeed be very extraordinary if his particular ideas or judgment could be supposed to bind either party: the most that could be even implied was, that the hon. gentleman was the medium, through which communications were to be made; and that the negotiating parties were at full liberty to assent or dissent from the propositions thus made.

Mr. *Hartley* said, that the ideas of a truce were early thrown out; but that when more particular explanations came to be made, any such idea on the part of the minister was suddenly and unexpectedly disclaimed.

The Resolution for a four-shillings land-tax for the year 1780, was then agreed to.

Debate in the Commons on the Earl of Upper-Ossory's Motion of Censure against Ministers for their Conduct towards Ireland.] Dec. 6. The order of the day being read,

The Earl of *Upper Ossory* rose and pre-faced his intended motion, with a short speech in its support, which he confessed when moved, would appear to amount to a vote of censure upon ministry, for their total inattention to the affairs of Ireland, towards the close of the last session, and during the whole of the prorogation of parliament. They had, he said, totally abandoned the government of that kingdom to chance; they neither felt for its distresses, nor provided against its possible, nay probable and natural resentments. They turned a deaf ear to its moderate requests, and had the peculiar merit of transforming the last stages of national misery and public dependency, into vigour, strength, spirit, and every means

which could concur, to draw forth a most formidable resistance; and all the time stood by unmoved, as unconcerned spectators, or as if giving countenance to the measures taken by Ireland, in order to compel a full and effectual redress of all her real and ideal grievances. As an Irishman, and bound to that country by the strongest ties of interest and affection, it might be fairly, and he would add, be truly presumed, that he entertained the most sincere wishes for her happiness and prosperity; nay, he would say, that as an Englishman, it was his duty to do so; because, he was persuaded, that whatever promoted the trade and commerce of Ireland, would ultimately promote that of Great Britain. The claims of the sister kingdom to justice, and the protection and rights secured by a free constitution, were too well known to make any discussion of those rights necessary; but when he allowed this, he meant to say likewise, as an Englishman, that the present state of Ireland was truly alarming, and little short of portending a sudden dissolution of the constitutional connection and political relation which have so long subsisted between both countries: 42,000 men were at that instant in arms in Ireland, not barely associated for the protection and defence of the country from a foreign enemy, but avowedly in order to support the language they themselves, the country meetings, and the several corporate bodies, indeed the whole mass of the people, had dictated to their representatives in parliament. What was the purport of this language? A peremptory demand of "a free trade!" What was meant by this expression was variously interpreted, according to the wishes, expectations and opinions of particular parties and persons. Several members in both Houses of the parliament of that kingdom, of very respectable characters, explained it according to their own sentiments; an independence on this country, an intention of trading with the whole world, and a disavowal of the authority or power of British acts of parliament, &c. Where, then, had ministers led us? To an acquiescence in every proposition Ireland might think proper in her present distempered state to demand, no matter how unreasonable and pernicious it might prove in its consequences, or the terrible alternative of a civil war, while we were engaged in an unequal and dangerous contest with France, Spain, and America. It might be well called an alarming and melan-

choly alternative; such a one, he believed, as no nation under the sun was ever compelled to take, within the short period of a few months, when the choice was with us to give what we pleased as a favour, while we were now obliged to grant almost every thing as a right.

After making many professions of goodwill to both kingdoms, and declaring how much soever he regarded, and would to the utmost stretch of his ability, do all in his power to advance the interest of Ireland, yet in so doing, he would never consent to advance it on the condition of sacrificing that of England to it; he applied the force of these observations to the terms in which his motion was conceived. He contended, that the spirit of resistance directed towards independency, which had manifested itself in Ireland, was solely imputable to the shameful inattention of ministers, who might have in the early stages of the miseries of that kingdom granted the Irish substantial relief, and prevented the seeds of those disorders which now threatened a dissolution of all constitutional government, from growing up suddenly to their present state of maturity: such relief too, as being founded in justice, and dictated by motives of sound policy, would have operated preventatively. The Irish would have rested content with the compliance of requests, far short of what they were fairly entitled to expect; no man could answer at that instant, by what bounds their demands would be limited; no man could say on what conditions they would be satisfied; or upon what basis the interests and respective rights of both countries could be fairly established, without either a total separation, or consenting to throw too great a weight into the scale of Ireland. As therefore, the unhappy dilemma this country stood in, respecting that kingdom, arose entirely and exclusively from the inattention of administration, he begged leave to move, "That it is highly criminal in his Majesty's ministers, to have neglected taking effectual measures for the relief of the kingdom of Ireland, and to have suffered the discontents in that kingdom to rise to such a height, as evidently to endanger a dissolution of the constitutional connection between the two kingdoms, and to create new embarrassments to the public councils, by division and diffidence, in a moment, when real unanimity, grounded on mutual confidence and affection, is confessedly essential to the

preservation of what is left of the British empire."

Lord Middleton seconded the motion, and repeated several instances of the inattention of the noble lord in the blue ribbon, and of his having set his face against giving the desired relief to Ireland; spoke of the part he had taken the two preceding sessions respecting Irish affairs; that the first, they had been put off by mutual consent, to be more fully investigated the succeeding session, and the last, when he had the honour to preside in the chair of the committee, where some resolutions, for the purpose of granting some small favour to Ireland, passed without any considerable opposition: he said, the noble lord when he found the House in a temper to acquiesce, came down professedly to defeat the measure, and threw out the Bill on the second reading.

Sir John Wrottesley agreed with the truth of what was stated in the resolution, but could not give his assent to the motion as it was now worded. It imported a charge of too consequential a nature, to be resolved by the Commons of Great Britain, till supported by a species of evidence, which would come up in point of weight and justification to the magnitude of the charge; a charge, which if fully and satisfactorily proved, must involve ministers in the most exemplary punishment. But even if the proofs before the House were commensurate to the object, that of parliamentary conviction, the generality of the motion would be a sufficient objection with him to give it a negative in its present form. It included all the ministers, as well those who had lately come into office, as their predecessors; and involved them in one indiscriminate censure. It bulked them in the class of public delinquents, however criminal or innocent. As to the facts stated, they perfectly met his ideas: and if the word 'criminal' in the proposed resolution were omitted, and the first sentence softened in such a manner as to exclude conviction without proof, he would give his hearty assent to the motion.

Mr. Burke observed, that the hon. baronet's objection might be easily done away by only stating the fact of neglect, which, whether criminal or not, no man could pretend to deny.

Sir John Wrottesley rose, and offered to amend the motion by substituting the word "blameable" for "criminal." The amendment was proposed, and carried without

opposition. Sir John said, he was no party man, nor had any predilection for either side of the House. A change of measures was now become absolutely necessary. America was lost by the incapacity, misconduct, and obstinacy of ministers; and he was perfectly convinced if offers had been made immediately after the affair on Long Island, in 1776, that terms infinitely more advantageous for Great Britain could have been obtained, than those sent out by the commissioners in 18 months after, which were treated with scorn and contempt; besides which, many thousand lives, and many millions of money, would have been saved to this country. From the event of our measures respecting America, he applied the fatal conduct of administration respecting that country, to the existing state of Ireland. If some specific propositions had been held out to Ireland in time, that country would now be in a perfect state of tranquillity and obedience, which would of course have prevented the mortifying dilemma we had got into; that of acceding to the unlimited claims of Ireland, or of giving up our constitutional dominion over it without so much as a single struggle. He concluded with observing, that instant and effectual relief ought to be given to Ireland; that past experience with regard to America should make us wise; that the apparent object of those who carried war into our colonies was not conciliation but subduction, in which we had been shamefully disappointed; that as we had refused our American subjects any redress in the beginning, we had afterwards conceded not only what they were entitled to, but even the most valuable rights of this country, scarcely endeavouring to retain any thing worth contending for. So far as the simile could be fairly followed, ministers had acted in the same manner respecting Ireland. Matters had not as yet, it was true, come to extremities in that kingdom. Their arming themselves, and their non-importation agreements, were as yet but of a recent date. While they were so, he earnestly exhorted ministers to profit by example, and come at once to a resolution to make such offers as were likely to be accepted of by the Irish; such as Great Britain could grant with honour and safety to the mutual interests of both kingdoms; and not by protracting their measures, or dealing out their favours with a niggardly hand, drive Ireland into violence, so as in the end to be obliged to make concessions

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which might ultimately terminate perhaps not in a nominal, but a real separation of both kingdoms, and force them into different interests, as rivals and competitors, for the distant advantages to be derived from trade and commerce.

Lord *Beauchamp* rose, and observed, that a positive charge of any kind, from the most trifling to the most important, should be accompanied with suitable proof; nor was it agreeable to the established usages of parliament to entertain any complaint or accusation whatever, without making a strict enquiry into the circumstances which were supposed to constitute the offence; because, what upon a strict examination might bear an appearance of inattention or neglect, as in the present case, would possibly come out upon investigation, to be the effect of wisdom and sound policy. For his part, though he believed ministers had done every thing in their power, consistent with the respective state of both kingdoms, he did not rise as an advocate for them, much less could he be induced to agree to a vote of censure, without first knowing, whether ministers, whatever might have been the fruits of their endeavours, had failed through neglect.

That Ireland was in a distressed condition no man would venture to deny; but he could never be persuaded to think, that the miseries under which Ireland at present groaned, could be fairly attributed to the present ministry, or indeed to any ministry within his remembrance. The grievance had not originated, at least since the present reign, with any particular set of men in power, nor from any recent measures adopted in respect of that country. The causes were various, but the prime source of the distresses of that kingdom was the system of our trade laws, which laid a restraint upon her commerce. That was the great grievance, which could not be fairly imputed to any ministry, and least of all to the present. He was convinced himself, that those restrictions arose from a very narrow, short-sighted policy, conceived in prejudice, and strengthened by time, which, after more than a century, had been wrought, as it were, into the very constitution of this country. He could speak from experience. In the well-intended efforts he made, however unequal in point of ability he was to the task, he felt the strong influence those prejudices had in determining the opinions of that House, both in the last and pre-

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ceding session. In the course of the first attempt, when something of consequence was expected, the few friends who stood forth on the occasion, found themselves borne down by petitions at the bar, supported by counsel and by members in the House. A similar effort was made the very last session, but laid down upon a much narrower scale, which met with a like fate; so that if Ireland had not received relief, it could not be fairly imputed to ministers as neglect, much less criminal or blameable. That House was averse to give Ireland any favour which they imagined would interfere with our trade laws, or affect certain branches of our commerce or manufactures. No matter whether this arose from prejudice or not, it had its operation, and influenced the conduct of that House, which was fully sufficient to shew, that the consequences of that refusal were neither jointly nor exclusively imputable to ministers.

For his own part, and as far as his opinion went on the subject, he was satisfied that Ireland ought to have been relieved, but to what extent he would not nor could not pretend to say. He thought the interest of both countries was inseparable, as their political connection was indissoluble; and that whoever endeavoured to obstruct either was no friend to his country, that is, was ignorant of the true prosperity of both. Though enjoying a place under the crown, his situation was not such as to entitle him to know what passed in his Majesty's councils; but he had heard in conversation, that the noble lord on the same bench, in concert with the rest of his Majesty's servants, had agreed upon Propositions which were to be submitted to that House the following Thursday. He was ignorant of their purport, but from what he heard had fallen from a noble lord in the other House (Hillsborough) the first day of the session, to whom both England and Ireland owed the highest obligations, it was supposed, that Ireland would be granted an equal trade, or an equality of trade, upon the broad basis of impartiality and justice.

The noble lord who made the motion, had talked a great deal of the Irish associations, of the mode in which they were first armed, and the purposes for which they continued to augment their numbers. He believed the noble lord was extremely ill informed of every particular, but the single fact of their being armed. He had too high an opinion of the people of Ire-

land; he spoke from local knowledge, and from conversing and corresponding with the greatest and ablest men in that kingdom, that the Irish associates were as loyal a body of men as any within the circuit of his Majesty's dominions; that they abhorred the idea of insurrection in their hearts, and were ready to risk their lives and properties in support of their sovereign and the defence of Great Britain. They called only for the means of rendering themselves useful to their country and families, and of adding to the aggregate strength, riches, and prosperity of the British empire; if that portended a spirit of revolt or disaffection, they were criminal and tumultuous; but in no other sense whatever, he would undertake to affirm.

The noble lord supposed, that the sword had been wrested out of the hands of government, and that the present associations, being themselves unlawful, all military command and subordination was at an end. Here he begged to set the noble lord right. The associations were not unlawful, nor were they out of the controul or reach of government. The Irish associates were now armed by virtue of two acts of parliament; by the Bill of Rights, the 1st of William and Mary, and another passed by their own legislature, in 1745, when the last rebellion raged in Scotland. By those laws the people were authorised to take up arms for their own protection. Under the sanction of those laws the Irish associates had taken up arms, in order to contribute to the general defence of both kingdoms, and to resist any attempt to invade them, which might be made by a foreign enemy. The power which armed them was competent to disarm them, whenever the danger should be passed, or the cause which called them out into martial array at an end.

He did not think that metaphysical questions, relative to the natural or acquired rights of men, afforded a proper subject of debate. He believed the necessity of the times would ever justify proceedings according to public exigencies and seasons of difficulty and danger. It was the wish and desire of government to have gratified the people of Ireland with a regular, legal, and well constituted militia, such as that already established in this country; but the distressed state of the finances of that kingdom would not admit of making new military establishments, so long as they proved totally unequal to provide for the old ones; so much

so, that the troops on the Irish establishment, now serving in America, were obliged to have a particular provision made for them by the British parliament last session. He begged leave to repeat, that the sole wish of the Irish, as declared by their parliament, was to have those restrictions taken off, which, in their several consequences and relations, impeded the progress of cultivation, manufactures, trade, and commerce, and rendered one of the finest countries under the sun, a scene of beggary, misery, and distress, had reduced her to public bankruptcy and private ruin. This once happily effected, would confirm her in her wonted loyalty and affection, and restore her to her usual tranquillity and good humour. On the whole, he recommended to gentlemen on every side of the House, to assist in perfecting so desirable a work, as that of cementing the most perfect good will and confidence between both nations; and observed, that as nothing would be more destructive to it than embarrassing ministers, by a hasty and ill-founded vote of censure, than the resolution moved by the noble lord, he must give it his dissent, in the most direct and explicit terms.

Mr. *Burke* rose in reply to the noble lord who spoke last, and indulged himself with opening a vein of the most delicate and pointed ridicule, directed to the apparent embarrassment in which his lordship was involved, that of being an advocate by choice or compulsion on both sides of the question. He recalled fresh to his memory a similar situation of a very facetious gentleman, eminent for his skill and abilities, at the Irish bar, a Mr. *Harwood*; who being employed by a lady in a suit in the spiritual court against her husband, for cruelty and ill-treatment, in order to obtain a divorce from bed and board, was retained in a court of common law by the husband, as counsel in a suit instituted by the lady to obtain a separate maintenance. The counsel said in another place, he would prove that the lady had good grounds to insist that she was intitled to a decree in her favour, but now he must contend, that she had given just cause for the treatment she had received from her husband, and therefore he hoped the court would consider properly of the provocation which had been given to his client. The noble lord who spoke last, had, like the facetious barrister, on one day taken up the cause of his Irish clients, and the other proved himself an able and ingenious

advocate in behalf of his ministerial friends. Thus the noble lord had endeavoured to prove in the same breath, that Ireland had been extremely ill-treated by England; for that if half what she now asked had towards the conclusion of the last session been granted her, she would have been content, though the whole of her demands, if now granted, would only be accepted as a right, for which neither thanks nor gratitude would be due or acknowledged.

After presenting this argument in a variety of shapes, in each of which he attempted to shew, that it involved the utmost absurdity and contradiction, he begged leave to remind the noble lord, that it was the gross neglect, if not active and determined opposition, of the noble lord in the blue ribbon, to whom this country lay under the obligation, that half of what would last spring be accepted of as a favour, would now be accepted of by Ireland as a right.

He then proceeded to give a narrative of the whole transaction, so far as it related to the conduct of the minister, for whom the noble lord now stood so zealous and willing an advocate. He observed, that since the defeat of the relief intended for Ireland the preceding session, many gentlemen, who then opposed the granting of it, had altered their opinions, in consequence of which, a noble lord near him (*Newhaven*) distinguished himself in the cause of Ireland, in a very commendable manner. He made a proposition in a committee of the whole House; it was agreed to and reported; a Bill was brought in and read a first time, and it passed through two or three stages of its progress towards maturity. What was the consequence? The Bill was thought secure; but when the noble lord in the blue ribbon was apprized of its probable success, he departed from his professed neutrality, and came surrounded with all the power of office and threw out the Bill. He was ready to agree with the noble lord who spoke last, that this was no proof of neglect, but rather uncommon assiduity, considering the native inattention of the minister. When he said this, however, he expected that the noble lord who spoke last, would agree with him in turn, that it was a most unfortunate, as well as an uncommon exertion of the minister's assiduity.

He observed that much had been said, and much more would be said, he made no doubt, in the course of the debate, to shew that ministers were not chargeable with

neglect; what he was going now to offer, more particularly applied to the minister. A noble lord in the other House had lately quitted his Majesty's councils. What were his reasons? They were well known; because he could not assist there any longer either in honour or conscience. The first officer of rank in the state resigns, at a critical moment, at a moment of the first importance, and assigns his motives publicly, "that he could no longer remain at the head of his Majesty's councils with honour and conscience." He only desired the House to seriously reflect on such a state of things, and determine like honest men, whether it was possible at such a crisis as this, considering all the tremendous circumstances attending it, to expect any thing but immediate ruin and final destruction.

He had heard the noble lord in the blue ribbon, a few nights since, declare it to be the positive intention of the King's ministers to carry on the American war, in order to compel her to an acknowledgement of the legislative claims of this country: he had heard an hon. baronet (sir J. Wrottesley) who spoke early, announce news of a very alarming nature, which had been recently received from the other side of the Atlantic. What, then, was the situation of this empire, and this devoted country? America lost; stripped of our West India possessions; Ireland with 42,000 men in arms; divided in our councils, and an incapable and unpopular administration! Why, the same obstinate perseverance was to be adhered to, so long as we had a man, a shilling, or a foot of land. It was finally determined, that every unfortunate man who had been sent to America, upon the romantic and impracticable plan of the conquest or subduction of that country, should either fall by the sword, or be led captive by a victorious enemy.

He then gave a short sketch of the American measures, their origin, and mischievous tendency. Ireland spurned at the British claim of dominion: she looked upon herself free and independent, and was firmly determined to maintain it. A mob had risen in Dublin, and non-importation agreements had taken place; why not, like ill-fated Boston, shut up the port of Dublin, burn Cork, reduce Waterford to ashes? Why not prohibit all popular meetings in that kingdom, and destroy all popular elections? Why not alter the usual mode of striking juries, as was

done by the Massachusetts-Bay Charter Bill? Why not bring the Dublin rioters over to this country to be tried by an English jury? Why not shut up their ports and prevent them from trading with each other? And lastly, why not declare them out of the King's peace? In short, why not proscribe the principal leaders, who held commissions not under the crown but by virtue of election of the very corps which they commanded, and declare the whole kingdom in rebellion? The answer was plain and direct. Ministers dare not: sad and dear-bought experience had taught them the folly as well as impracticability of such measures; the danger of the present awful moment made insolence and arrogance give way to fear and humiliation. He was filled with astonishment, when he beheld his Majesty persevering in such measures, conducted by such men, and lamented the fatal determination which seemed to tend to staking his empire on the event. He applied a remark of Charles 2, relative to Louis 14, whose ministers, since he must be gratified in that way, selected the oldest and plainest women they could find, in order to correct, if not totally subdue the lusts of the flesh. As a political simile it was justly applicable to his present Majesty. His advisers had managed so dextrously, as to keep a set of ministers about him, extremely well calculated to subdue his ambition, and by a loss of a considerable part of his dominions, and risk of losing all, to keep him in a state of mortification, and by making him do penance, conciliate him to disappointment, and thereby banish from his breast the lust of power and dominion.

He then adverted to the example held out to Ireland, by our conduct towards America. The American war, he said, originated in injustice, was conducted with cruelty, and was likely to end in infamy, disgrace, and disappointment. The loyalty of the people of Ireland could no more procure justice at the hands of ministers, than the stubborn spirit of America. Ireland, driven to the last stage of human misery and distress, was left to her wretched fate; she entreated, she supplicated, but in vain. Without a pretence of offence on her part, she was left to her fate, unattended to, and unpitied. On the other hand, what was the conduct of administration towards America? The noble lord in the blue ribbon has often told you she rebelled. Well, and what next?

After a two years ineffectual attempt to subdue it, ministers relinquished every thing. Those very people whom but a few months before he considered as rebels, he offered to treat with upon a footing of equality. He, in fact, offered them every thing but the mere name of independency, and the empty patronage of the crown. Attend, then, to the similarity of circumstances: Ireland a few months ago, like America at the commencement of the war, would be contented with a few paltry favours, which were refused to her. Ireland now will not be satisfied with any thing short of a free trade. America has pointed out to her, not the rule of her conduct, but her just claims upon this country. The people of Ireland have reasoned fairly and justly: the colonies they know have been offered the most that their own most sanguine expectations could aspire to, a free trade with all the world. America, for her revolt, has had a choice of favours held out to her. This is the reward of rebellion. Ireland for her loyalty for almost a century, and her forbearance under accumulated oppression and internal distresses, has been refused the mighty indulgence of importing her own sugars. The Irish justly conceived that their merit ought not to be imputed to them as demerit; and that the first principles of all good government would be departed from, if their deserts were to be weighed in the political scale, as only entitling them to punishment, not reward. At all events, without taking any peculiar merit with the British government for their loyal, faithful, and peaceable demeanour, they thought they were at least entitled to meet the colonies upon equal terms, and with equal expectations of favour and relief to those which America had spurned at with contempt.

These were the grounds on which the people of Ireland proceeded, when all hopes of redress from this side of the water had vanished. What was the first resolution they adopted? Like America, to consume no more British manufactures: the next? To enforce this resolution, by rendering it operative and extensive; and for that purpose entering into a non-importation agreement. What next? To arm and array themselves to the number of 40,000 men. What next? A parliamentary declaration, that nothing short of a free trade could afford them effectual relief; and as the last act, in order to secure a due and faithful performance of what

they claim, they pass a money bill for six months. Ministers have but six months credit with the parliament of Ireland. What, then, was the true state of both kingdoms? Ireland insisting on a free trade, or determined to break off all political connection with this country.

The noble lord had endeavoured to legalize the associations in Ireland with remarkable ingenuity, under the sanction of two acts of parliament. One of them was out of the question, he believed, by any possible interpretation that could be put upon it [the Bill of Rights, as not extending to Ireland, we presume;] the other was, in fact, not less so. He meant the act passed in the Irish parliament, in the year 1745, during the rebellion in Scotland. Did the noble lord mean to say, that by that act, men had a right to arm themselves, and elect their own officers? and that those officers were legally commissioned to act without an authority from the crown? If he did, the idea was preposterous and to the last degree absurd, and as such, he presumed the noble lord had not expressed himself agreeably to his real intentions. The great dispute which brought on the civil war, and which had been so often between the king and parliament, and on which their disputes at the commencement chiefly turned, was the very particular point now under consideration, so far as it related to the assertions of the noble lord; and he believed it was a principle ascertained by the constitution, and confirmed by positive law, that, let men be armed by the state, or by themselves, they cannot act or assemble but under a commission from his Majesty. He had a most respectable authority to support him in this opinion, no less than the lord chancellor of Ireland; lord Lifford, who, when a vote of thanks was moved and agreed to by the majority of the House of Lords of Ireland, to the associators of that kingdom, refused to give his assent, honestly stating his reasons, that he could never join in a vote of thanks as a peer of parliament or a lawyer, to any set of men, be their motives ever so laudable or patriotic, who were acting in a military capacity, contrary to law.

Though an Irishman by birth, he was urged, he said, from real sentiment, to express his warmest gratitude to this country, which had raised him from an humble situation, from obscurity, to a seat in the national great council; and declared, that he must be the most ungrate-

ful and worthless man existing, if he ever forgot the profusion of favours she had heaped upon him; he would not say totally unmerited, but infinitely beyond anything his most sanguine expectations ever held out to him. He hoped he had acted an open, honest, and candid part towards his constituents; he was certain he sincerely meant to do so. He acquainted them with his sentiments; he might have been mistaken; he could with truth affirm, if he erred, he erred unintentionally, and with the best dispositions for promoting the mutual interest of both kingdoms. He did not mean to support what he thought at the time by subsequent events. He might have been mistaken then, or be so now; but this he could honestly declare, that he acted to the best of his judgment, without the smallest degree of conscious predilection for the interests of either kingdoms, further than they appeared to him solidly and inseparably united.

He was induced, from every consideration which struck him, to believe, that whatever measure would serve Ireland essentially, would, and must in the end, serve England: but if ever any concessions on the part of his native country should be insisted upon, derogatory to the interest and prosperity of this country, he would be one of the first men in that House, in the character of a British senator, to rise and oppose in the most peremptory and decisive manner, any proposition tending directly or indirectly to any such point.

In the course of his speech, among a variety of other matters of less consequence, he observed that the noble lord who recommenced the debate said, he hoped parliament would not treat it as a metaphysical question. He heartily joined the noble lord in this wish. It was our metaphysical quarrel about mere words, that had caused the American war, and that had reduced us to our present humiliating and calamitous state. We had commenced that war, not to recover a substance, but to possess, what if obtained, would have proved no more than a shadow. The noble lord said, it was no longer a question of commerce, it was become a question of state. He most certainly coincided in the noble lord's opinion. Two years, even perhaps one year ago, it was a question of commerce; and because it was no longer so, was the true ground of the charge stated in the motion, that of a criminal or blameable negligence in minis-

ters; this, though urged in defence or extenuation, was the very basis of the charge against them; for they had by their conduct changed a mere question of commerce into a question of state. The British parliament were directly led, or compelled to declare which shape the question was to take, they had no time for deliberation or reflection; Ireland held out the alternative, and there remained but a single choice.

Earl Nugent expressed his disapprobation of the motion, because, in his opinion, it was impossible to come to any determination first, till the fact stated in the motion, namely, that ministers were blameable, &c. was in proof, which no man could say it was; secondly, till the ultimate sentiments of the people of Ireland were known. Ministers might have a plan which would prove acceptable to both kingdoms; but whether they had or had not any such plan, it was at once monstrous and absurd, to determine whether the propositions which they intended to lay before the House in the course of a few days, were such as Ireland would reject. The question could not therefore be properly debated till the sense of the parliament of both kingdoms should be known; and what might happen, in respect of the predictions he now heard, would be a subject proper for consideration on some future day.

His lordship then entered into a short history of his own conduct respecting Ireland the two preceding sessions. He said, all his endeavours had failed, but that was not the fault of ministers, but of the majority of that House, operated upon by the prejudices of the people without doors, who, instigated by personal and local interests, added to the difficulty. Such being the temper of the House, after a great deal of time and unavailing labour, he was obliged to give way to the current, and determined never again to trouble the House by taking any active part. Early in the last session, he threw out some loose unconnected opinions concerning the distressed state of Ireland, and the absolute necessity there was for giving Ireland effectual relief in some shape or other. He was sorry that the prejudices he had mentioned, seemed still to prevail, for he so far agreed with some gentlemen, who had spoken in the debate, that the people of Ireland would at the periods he had mentioned, be satisfied with much less than they would be now contented with.

For his part, he thought that his propositions were founded in liberality, and framed equally to advance the interests of both countries. They had not changed by any events that had since intervened. His idea was this: give Ireland every thing she can ask, which may promise to produce substantial benefit to that country; but which will not touch or materially affect the interest of this. There were various branches of commerce and manufacture, that England had monopolized to herself, to the great detriment and impoverishment of Ireland, which afforded no advantage to herself, or but in a very slight degree. Here the injury was doubled: for Ireland not only lost what was thus withheld from her, but England forced the trade into other channels, and to other nations, who rivalled her: thus the benefit she would derive, from the riches and from the consequent strength and assistance of Ireland, were transferred to our foreign enemies and rivals.

His lordship pressed earnestly to throw open those channels of wealth to Ireland, which actually, as well as relatively, England must profit by in the end. This was his wish, and sole wish, from the very beginning, and he trusted, its completion was not far distant. For whatever the noble lord who made, and those gentlemen who supported the motion, might think or say, he was convinced in his conscience, instead of a free trade to all the world, or dissolving all constitutional connection with this country, that Ireland would be perfectly satisfied with a participation of such part of its commerce, as did not in its nature and tendency promise to hurt or materially affect the trading and commercial interests of Great Britain.

He loved his native country; he loved and revered England; and God forbid that he should even wish to promote any local interest whatever, contrary to those of the British empire! It was, indeed, impossible to take up any local prejudices on either side of the water, without doing infinite mischief to the very party who acted under their influence. The two main pillars on which the motion rested were, that ministers had neglected to follow up the Address with effective measures, and that they had no plan. Both, in his opinion, were equally unfounded: ministers could have done nothing till after the Irish parliament met; and as to the imputed delay of the plan, it was a nugatory objection, because, how was it possible to

give a plan, till the sentiments of the people of Ireland were known, through the medium of their parliament? A few days had only elapsed: it was necessary that the papers should be considered, and other necessary steps taken. When these were once complied with, he would be bold to say, that it was impossible for three sensible men, well inclined to forward the purport of their meeting, to spend three hours in devising a plan, which would give perfect satisfaction and content to both kingdoms.

Mr. *T. Townshend* spoke for some time to the question, and then directed his attention to what had fallen from the noble lord who spoke last. The noble lord said, a plan might be framed in three hours by any three sensible men, who should meet for the purpose; yet it so happened, that after twice as many months, no plan had been hitherto determined upon; the clear inference from which was, that ministers had been totally culpable, respecting their inattention to the affairs of Ireland, or that there were not three men of common sense in his Majesty's councils. He adverted to the Address moved, towards the conclusion of the session, to the crown, that the parliament might be kept sitting the whole summer by short adjournments, to be ready to assist the crown with their advice. If that measure had taken place, the only apology made for procrastinating the consideration of the affairs of Ireland, could not have existed; for such steps might be taken in the interim, before the parliament of that kingdom met, as would have precluded the possibility of the flimsy pretence he had heard that day urged. Every thing which might be prudent to grant to Ireland, would come as the spontaneous act of justice and sound policy, proceeding from affection and a proper sense of the afflictions under which his Majesty's subjects of Ireland suffered; whereas, any act of kindness or friendship originating from even the best and most upright intentions would now be interpreted, upon the soundest reasoning, not to motives of generosity, but compulsion.

Mr. *Henry Dundas* said, he objected to the general proposition stated in the noble lord's motion, because no neglect had been proved, and though a general neglect had been proved, because the charge had not been specifically pointed. He was willing to meet the gentlemen on the other side of the House on their own ground. He was ready to acknowledge,

that Ireland wanted relief, and speedy and effectual relief: nay, he would go further; he thought that she ought, and was entitled to have it. He was satisfied that strong prejudices had prevailed in that House; he hoped they were now at an end: he was ready to confess, that no man was more under their influence than he had been. He opposed every attempt to give the Irish that species of redress they seemed to wish. He thought in his conscience, when he acted so, he was doing his duty. He was persuaded that he was acting right, but he was not obstinate. He heard every thing urged on the other side with impartiality and coolness, but he allowed with some degree of prejudice; yet after attending for several days to the subject, he had been converted in the course of the last session, by the solid reasonings of the hon. gentleman who had spoke some time since (Mr. Burke) and from thence forward, he could safely affirm, he never uttered a sentence, nor gave a single vote contrary to what fell on that occasion, from the hon. gentleman. He was of opinion that Ireland had been hardly treated; he was happy to perceive, that those prejudices which were the cause of that hard treatment, were daily giving way to a more just and liberal way of thinking; but then he wished to remind gentlemen who charged ministers, that they were not their prejudices, but the prejudices of parliament, which no minister could or ought to endeavour to controul. He appealed to the recollection of the House, if the sense of it was not totally averse during the two last sessions, to give Ireland any substantial or effectual relief? And, whether the last feeble attempt was likely to be productive of any real consequences to either kingdom. The House was not in a temper or disposition to attend to the subject; and, if they had, he was persuaded that no essential benefit could be derived from it by Ireland; he meant such as would fairly come up to the existing expectations and real wants of that country. He had ever been a declared and real enemy to local distinctions. He was of opinion, that every part of the two kingdoms was entitled to equal and indiscriminate favour; because it was not possible that one kingdom could be benefited, particularly Ireland, without the seat of empire profiting substantially in the ultimate effect, nor upon a liberal scale could Great Britain gain any acquisition of power, strength, or

riches, without communicating spontaneously a considerable portion of each to Ireland. Our strength would be theirs, our riches and prosperity would be felt by the Irish nation. In short, it would be a reciprocity of interests and mutual benefits, all centering in one point of union: the aggregate strength of both, and the opulence and greatness of the whole.

The hon. gentleman who spoke last, said, that the Irish had come into a resolution not to consume any of our manufactures; had entered into non-importation agreements; had armed themselves; insisted upon a grant of a free trade; and refused to give more than six months credit, by limiting the late money bill they passed to that period. He should forbear to speak to the former points for the present; but he understood from what had fallen from the two noble lords near him (Beauchamp and Nugent) that the noble lord in the blue ribbon meant to offer in a day or two some propositions to the House, relative to the affairs of Ireland. But this he would say, as to the six months money bill, that so far from its indicating any wish or intention in the parliament, or people of that kingdom, to dissolve the constitutional connection with England; to his apprehension, it appeared to him to point only to terms of equitable relief. It imported substantially this: the parliament of Great Britain have hitherto refused that species of relief which can only save us from ruin. They seem averse to it, and we are determined no longer to trust to general promises: we wish them to enquire into the nature of our calamities and distresses; and when they are known, we doubt not but every thing which a liberal, a wise, and an enlightened people can do, will be adopted, that may promise to effect their immediate removal, and prevent the return hereafter.

As to the motion itself, he said, it was apparently and substantially ill-founded, both in point of its general and particular application. The grievances of Ireland, as described in the course of the present debate, were by no means ascribable to any set of ministers. What was the great grievance of which Ireland complained? Restrictions on her trade, by several acts passed in the English and British parliament, from the 12th of Charles 2, to the present reign. He believed none since his present Majesty's accession, but whether or not, none since

his Majesty's present ministers came into power. The cause therefore of the present distresses of Ireland, as stated by a vote of both Houses of that kingdom, as well as in truth, was not, nor could not be imputed either to the neglect or active conduct of the present ministers. For the whole of their declaration is, that no substantial or effectual relief can be given to them by any concession short of a free trade. Have the present ministry restrained their trade, in any instance? By no means; they have enlarged it, and done more for the Irish nation within the compass of a few years, than all the administrations in this country, since the Revolution. They have within a very short period passed an act for giving bounties on the Newfoundland fishery, to encourage the cultivation and growth of hemp and tobacco; for a permission to export woollens of Irish manufacture for the use of the troops on that establishment serving out of the kingdom; to export several enumerated articles to the West Indies and the coast of Africa. So far, then, from being inimical or inattentive to the interests and prosperity of Ireland, they have proved her warmest and best friends.

But the noble lord who made the motion, and the hon. gentlemen who spoke last, have laid great stress upon proroguing the parliament, or when prorogued, not assembling it before calling the parliament of Ireland. This was an objection to which many forcible and conclusive answers might be given. He should content himself with observing, though no obstacle stood in the way of such a measure, that the very principle of such mode of proceeding would be wrong. How was it possible for his Majesty's servants or the British parliament to be competent judges of the species of relief which was proper to be given, till they were acquainted with the sentiments of Ireland, without the imminent danger of perhaps accelerating those very commotions and sowing the seeds of that spirit of resistance, which the hon. gentlemen and the noble mover had described in so prophetic a strain? Whereas, by convening the Irish parliament first, the sentiments of the people were known, and expressed through the medium of their representatives. Here, then, the question of policy fairly came under the consideration of the British legislature, brought forward upon the most unquestionable authority, and all it had to

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consider was, how far it would be advisable to grant their request; and what terms and conditions it would be proper to accompany this gift with? An equal trade was the prevalent idea; but as that matter was to come as a separate object before the House in a few days, he should forbear to say any more on the subject, than that if it should meet the sense of the House, as to the obvious import of the phrase, he did not believe there would be a single dissenting voice in the two kingdoms.

But supposing it might have seemed necessary that the parliament of this kingdom should be called, previous to that of Ireland, would such a measure have been expedient? Gentlemen, he hoped, would recollect the state of this country at the time, and the several existing circumstances. Parliament did not rise till the 3d of July, after sitting upwards of seven months. The mode of granting the supplies in Ireland, called for the meeting of the parliament of that kingdom early in October. When parliament rose, an invasion was threatened from the united force of the House of Bourbon. A very considerable number of gentlemen, members of that House, bore commissions in the militia; their presence and most active efforts were required, in order to repel the enemy. Many of them were exerting themselves in their several counties; as well in disciplining, as in augmenting the military and militia force of the country. Would it be prudent or wise to keep parliament sitting at such a season? Could both services be properly attended to, that in the field and the senate; and if it was at all proper to discuss a subject of such vast magnitude, at so critical a moment; would not it be expected to have a full attendance? Which was totally impracticable, without the members quitting their active service in the field and elsewhere out of that House. In the course of the next month (August) things still took a more serious turn: the enemy appeared off our coasts, and menaced us in our very harbours; and the next, which was the only intervening month before the necessary meeting of the Irish parliament, the enemy appeared with a most enormous force again in the Channel. From these arguments he drew the two following conclusions; that, the situation of this country during the months of July, August, and September, would not admit of the sitting of parliament, without great risk and infinite inconvenience.

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nience, and though it had, that it would have answered no substantial end, till the sentiments of the people of Ireland were known, through the medium of their own parliament. He concluded with observing, that this was not a season for gentlemen to indulge themselves in invectives, or irritating inflammatory speeches. Union and healing measures and opinions had become not matters of common prudence, but of duty and obligation, upon every real friend to his country. Ireland would, he made no doubt, receive full satisfaction and content; and he thought her most deservedly entitled to it. They would prove her best friends who shewed a willingness to grant her her due and no more. Should either kingdom give too little, or grant too much, it would in the end prove hurtful to both; and for his part, he was at liberty to declare, without prejudice or partiality of any kind, that he wished most sincerely the House should come to the propositions with coolness and temper; because he believed, no instance was recorded, when men came to deliberate in such a disposition, that they ever failed to decide justly, and terminate the business on which they met with the desired success.

Mr. Fox* rose in reply to the learned gentleman who spoke last. It would be a very vain attempt to endeavour to follow the hon. gentleman through a speech which took an hour and a half in the delivery, and which was delivered with a rapidity of utterance, a flow of language, and in a strain of oratory rarely equalled. He felt, he said, the utmost indignation at a passage in the learned gentleman's speech, who had dared to arraign gentlemen on that side of the House, with causing by

* This was the first time Mr. Fox had appeared in the House since the duel with Mr. Adam. (See p. 1118.) "The debates were long, various, and interesting. All the wit, ability, and eloquence of the opposition, were thrown out without measure or reserve against the ministers. On their side, they exerted themselves much more than they had done in the House of Lords. The two great leaders and speakers of the opposition in that House took a large share in the debate, and were as usual distinguished. The appearance of Mr. Fox, after his recovery from the wound which he had received in the late duel, occasioned by something that had fallen from him on the first day of the session, afforded matter of much general curiosity; and that incident seemed now to have produced a renovation, rather than any detraction of his former spirit." *Annual Register*.

their inflammatory speeches, the mischiefs and misfortunes that this devoted country had already felt; and the much greater that threatened them. He, of all men, whose inflammatory harangues had concurred in bringing parliament and the nation into those calamities, which he had the confidence to attribute to those who had all along done every thing in their power, to prevent the predicted consequences; he whose inflammatory harangues had led the nation, step by step, from violence to violence, in that inhuman, unfeeling system of blood and massacre, which every honest man must detest, which every good man must abhor, and every wise man condemn; he who had dealt in nothing but in exaggeration, in the most inflammatory expressions, in incitements to revenge, and the horrid catalogue of monsters which follow in its train; that such a man dared to impute the guilt of such measures to those who had all along, in each successive step of its progress, foretold the consequences; had prayed, intreated, and supplicated, not even for America, but for the credit of the nation and its eventual welfare; to arrest the hand of power, meditating slaughter and directed by injustice; to reflect a single moment, and after counting the possible gain, compare it with the certain loss; a loss of national reputation, of national humanity, of national justice, and, in fine, if nothing but interest was to sway the authors of this diabolical scheme, of national interest and national safety. What was the consequence of those sanguinary measures recommended in those bloody inflammatory speeches? Though Boston was to be starved; though Hancock and Adams were proscribed; yet at the feet of these very men, the parliament of Great Britain were obliged to kneel, to flatter, and cringe; and as they had the cruelty at one time to denounce vengeance against those men, so they had the meanness afterwards to prostrate themselves before them and implore their forgiveness.

Was he who called the Americans "Hancock and his crew," to reprehend any set of men for inflammatory speeches? Or had sad experience, though not a real reformation, so far altered his sentiments, that he found it necessary to express himself in more favourable terms of Perry and his crew [Speaker of the Irish House of Commons]? The softened, guarded language adopted by the learned gentleman, might be easily accounted for. Petty

and his crew had used arguments particularly conciliating, convincing, and persuasive, and they were no less powerful. The arguments of Perry and his crew consisted of 42,000 bayonets.

He would repeat, that this mode of defending administration, by libelling those who differed in opinion from them, was, to the last degree, infamous and contemptible, and, in the particular instance, remarkably so. "The complaints," says the learned gentleman, "have originated on this side of the water, and have been sent over to Ireland." Was that the case? Most certainly not; the charge was false; he could give it no other epithet. It was false and infamous; it was scandalous. Were there no distresses in Ireland? Were there no discontents before gentlemen on this side of the House had spoken on the subject? Were there no men of understanding in Ireland? Had there been no pamphlets written in that kingdom, or newspapers published, or essayists, who discussed the subject in print there? If there were, and they had all united in the same opinion, and in much stronger terms than any thing which had come from the side of the House on which he had the honour to sit, what would the world think of the man who dared to avow in his place, that the topics of complaint had been suggested by a particular description of men in that House, and from thence had made their way to Ireland? He was ashamed to dwell upon so trifling a circumstance, but he could not help expressing his resentment, when he reflected on the injustice of the charge, and the purposes which it was apparently brought forward to promote. Were there no men of abilities in either House of Parliament in Ireland? Were Mr. Serjeant Burgh, Mr. Grattan, and several other characters equally well known, and when known highly respected, solely governed by what had fallen in debate in that House, or had the distresses of the country created a principle of union, directed to a general redress, which nothing but the native feelings of the Irish nation gave birth to?

After having made several pointed animadversions on what he called the inflammatory part of the learned gentleman's discourse, he endeavoured to trace the origin of all our evils to its grand source, the American war. It was that accursed war that had led us, step by step, into all our present misfortunes and national disgraces. What was the cause of our wast-

ing forty millions of money, and sixty thousand lives? The American war. What was it that produced the French rescript, and a French war? The American war. What was it that produced the Spanish Manifesto and Spanish war? The American war. What was it that armed 42,000 men in Ireland, with the arguments carried on the point of 42,000 bayonets? The American war. For what were we about to incur an additional debt of twelve or fourteen millions the ensuing year? That accursed, diabolical, and cruel American war.

He was not present the other evening when a very intelligent and ingenious gentleman below him (Mr. Hartley) had asked the noble lord in the blue ribbon, whether ministers intended to persevere in the American war. He could not pretend to speak with precision, but he was informed that the noble lord answered in the affirmative. It was this accursed war that had already lost us the empire of America. It was this war, that caused the disgrace of the British flag, and had already stripped us of some of our most valuable West India possessions. It was this war that had already rendered us contemptible to all Europe, which caused us to be deserted by our friends and allies, and despised and trampled upon by our enemies. It was this ruinous war that had brought on the distresses of Ireland. It was this war that had obliged government here to abandon that of Ireland. It was this war that had consequently armed Ireland, and, in short, induced the people there to associate, in order to defend themselves, as well against their domestic enemies, the ministers of Great Britain, as their foreign foes.

But to all this I expect to hear the noble lord shortly rise, and say, It was not I that caused America to resist; their resistance was rebellious, and they, not ministers, were the cause. It was not I that brought on the French war; France united with our rebellious subjects. It was France therefore was to blame. It was not I that was the author of the Spanish war; Spain joined France, and it was France and Spain that were to blame. After anticipating for some time the presumed defence the noble lord would make, he then attacked him very severely on account of his obstinacy, indolence, and general incapacity, and adverted to the recent resignation of two great officers of state (lords Gower and Weymouth). Was it merely the lau-

guage of that side of the House, that the ministry were incapable and neglectful, and the minister so neglectful, so habitually indolent and inattentive to the duties of his office, that one of the noble lords alluded to (Gower) speaking to the very question, which was the subject of the present motion, after declaring that the truth of it was clear to him, added, "but it is impossible to say what may be deemed a criminal neglect in some men; for some men are so overwhelmed with habitual indolence and inattention, that what may be deemed criminal in others, may only be a mixture of nature and habit in them." Were the speeches made on that side the House singular in their tenor from the general opinions which prevailed without doors? He believed not. He was persuaded, that there was hardly a man out of that House, or indeed in it, however he might vote that evening, who doubted of the total incapacity of ministers. What did the noble lord, whom he had lately alluded to, say in the other House, a noble lord, who lately presided in his Majesty's councils, but "that he could no longer, having seen such things, remain there with honour or conscience." Was this the voice of faction, or the random assertions of partial and uninformed men? On the contrary, was it not the candid explicit declaration of a person who had presided in those councils, who had been a daily witness to what was every day going forward there, who had yet declared himself of no party; and, speaking like an honest man, spoke out, saying, that beholding such things as he daily saw transacting there, he could no longer continue a spectator, accountable to his country, his sovereign, and himself, with honour or conscience?

The learned gentleman had said, that the distresses felt by Ireland were not brought on them by the present ministers, but by the restrictive and other trade laws, passed in this country. As a general proposition, he was ready to admit it in part, though many of the internal grievances, he was ready to prove, originated from government alone; but would the learned gentleman deny, that the total loss of the American trade, the most valuable part of the Irish commerce; the embargo of the only export they had but linen, the increased taxes, and a variety of other causes, had not accelerated those distresses, if not entirely created them? The learned gentleman had industriously

endeavoured to shew, that the present motion was incapable of proof, or so indefinite, as not to admit of it. This was the most strange perversion of reasoning he had ever heard. The proof lay within a very narrow compass. Was not the address of that House, and the King's answer, evidence of the duty imposed upon ministers? Would ministers say, that they had performed that duty? They could not; they dare not. The learned gentleman's fallacious mode of stating the question, evidently involved the grossest absurdity; for the proof was clearly put upon them, that they had discharged the duty so imposed upon them. The *onus* lay upon ministers, to shew what they had done in consequence of the Address, or if they had done nothing, that they acted to the utmost, as far as circumstances would permit.

He allowed, however, that it was impossible to prove the proposition otherwise than by proving a negative. He might state which minister advised his Majesty to do this or do that, but it would be an extreme difficult undertaking, to prove who had advised his Majesty to do nothing. Negligence was the most direct negative, and a negative could only be proved by an *alibi*. For instance, if a man is charged with committing a murder at York, he may establish a defence, by proving, that at the time the fact is charged to have been committed, he was in London. Let, then, his Majesty's ministers prove, that it was not in their power to attend to the affairs of Ireland, because they were busily employed in more essential matters; with the defence, for instance, of Great Britain against the meditated invasion of our foreign enemies; with the naval operations at home; with the war in the West Indies, or the war in America: but if they had been so negligent as to attend to no one part of their duty, and to have done nothing the whole summer, the only defence they could set up was taken away.

If the censure of ministers should not prove advantageous both to England and Ireland, he wished for no punishment against any of them, which could only originate in resentment or revenge. He wished that punishment should answer, as a preventive; when it was taken up on any other ground but by way of prevention in future, by being rendered exemplary, it most clearly degenerated into personal enmity and revenge. He could

say fairly, that he had no enmity whatever to the noble lord in the blue ribbon, nor to any member of administration: what made him so anxious was solely the good of his country. It was the general calamities of the empire which had made Ireland poor; but it was the incapacity and negligence of government, that had rendered her bold and daring. It was, therefore, incumbent upon parliament, to shew their fullest disapprobation of that indolence and incapacity, and convince Ireland, that they are as ready as themselves to resent and punish the cruel treatment, which they have received from ministers. Ireland would see by such a conduct, that it was not this country but its ministers who were blameable, which would, in his opinion, prove the surest means of once more binding both countries in the most indissoluble ties of friendship and affection. This, in his opinion, was the motive which ought to operate with Britain at the present minute. It had been frequently urged in that House, that the strength of government had been broken, its measures impeded, and its efforts rendered weaker by the struggles of party. He said, he knew but of two parties in the kingdom. His Majesty's ministers supported by the influence of the crown, against all Britain. These were the two parties. The people formerly divided, perhaps, on points of mere speculation, had at length united; all divisions and subdivisions of men were at length embodied. Experience of what passed, the dread of worse that might happen, had melted them into one mass. He was happy to have it in his power to affirm, that the friends of the people and their country, had but one opinion, both in that and in the other House. The first men of rank, fortune, and character, in both Houses, had firmly and virtuously resolved to set their faces against this increasing, this alarming influence of the crown, and never to act or co-operate upon any terms with men, who had not felt it themselves, but had endeavoured all in their power to render it prevalent and extensive. They had resolved to act in concert, and nothing would ever content them, but reducing the influence of the crown within due and constitutional bounds. The sense of danger had brought about this coalition; they were the friends of the constitution, the well-wishers of his Majesty, but the avowed and determined enemies of this dangerous influence, which grew proportionally strong, as the empire grew weak;

and was in a progressive state of increase, as the fame, wealth, and possessions of the British empire were gradually diminishing, and sinking into a state of internal imbecility and external contempt. It was a lamentable contest in which his Majesty was engaged; a contest not with a disaffected party, inimical to his government or family establishment, or who thirsted after power or place; not with a faction who were enemies to his ministers in person, but a contest with the whole body of his subjects, who saw, that the further support of such ministers would, if not timely prevented, terminate in the ruin of the empire.

After pursuing a very wide circuit, and taking a transient view of almost every measure adopted since the commencement of the American war; he adverted again to the question, and observed, such was the miserable dilemma this country was reduced to, by the gross misconduct of ministers, that the British parliament could not now act upon principles of justice or sound policy with a good grace. The dignity of the British parliament was gone, and they would be now compelled to grant what would in the end, they foresaw, be extorted from them. He mentioned the circumstance of Mr. Alderman Horan's application at the custom-house of Dublin, to make an entry of Irish woollens for Holland. What might have been the consequence of the clerk's refusal, had it not been for the temperate interference of the gentlemen who lead the country party in that kingdom? The consequence would have been, that Mr. Horan would have shipped his goods for exportation, contrary to several British acts of parliament still subsisting; his Majesty's cutters would have seized them, as being contraband; the second edition of Boston violence would have been published, and Britain, at a most critical and tremendous moment, would, to the rest of her numerous and formidable foes, have Ireland to contend with. This, but for the reason already assigned, the temper and moderation of the leading men in that country, controuling and softening the indignant resentments of their brethren, would have been the consequence of the criminal conduct of those against whom the present motion was directed.

The Irish associations had been called illegal: legal or illegal, he declared he entirely approved of them. He approved of that manly determination which, in the

dernier resort, flies to arms in order to obtain deliverance. When the last particle of good faith in men is exhausted, they will seek in themselves the means of redress; they will recur to first principles, to the spirit as well as letter of the constitution; and they can never fail in such resources, though the law may literally condemn such a departure from its general and unqualified rules; truth, justice, and public virtue, accompanied with prudence and judgment, will ever bear up good men in a good cause, that of private protection and national salvation.

God knew, that he sincerely lamented the cause which produced this sad, he could not but say, this perplexing and humiliating alternative. He most heartily lamented that any cause had been administered which seemed to justify violence or resistance; he dreaded the consequences, however justifiable in their origin, or moderately or judiciously conducted; but whatever the effects might be, he was ready to acknowledge that such a power was inherent in men; as men and citizens it was a sacred trust in their hands, as a defence against the possible or actual abuse of power, political treachery, and the arts and intrigues of government; and when all other means failed, resistance he should ever hold as perfectly justifiable.

Towards the conclusion of his speech he was, for the second time, extremely severe on the noble lord in the blue ribbon as minister. He did not pretend to guess at his plan, but from past experience, and his general conduct, he had no doubt but what he would propose would be exactly the reverse of every thing he had hitherto done respecting Ireland; and he was persuaded, the only chance that the noble lord had of being right was when the noble lord departed from, or rather expressly contradicted, his general line of conduct, it being always the fortune of the noble lord to set out wrong, and trust to chance for striking into the right road. He reminded parliament of what had fallen from his hon. friend (Mr. Burke) and some others, who had spoken early in the debate, that it was the noble lord in the blue ribbon, and he only, in point of real effect, who had prevented the relief intended to be given to Ireland the two preceding sessions, more particularly the last. This he confirmed in the strongest manner, by referring to what had been urged by him on that occasion, and desired the House to recollect what he had then predicted,

and what had since literally come to pass, namely, augmented armed associations, sufficiently formidable to dictate to and direct an acquiescing British parliament.

Mr. Macdonald said, he could not give his assent to the motion, because, though he was persuaded that the fact therein stated, that ministers had been neglectful, blameable, nay highly criminal, was strictly true, yet, as a member of parliament, he could never give his vote or resolve without proof. There had been no proof sufficient to substantiate so high a crime; and as there had not, he did not think himself justified in agreeing to the resolution. He then deviated from the usual line of debate, and made one of the severest attacks upon the minister in his personal character, that was ever known in a House of Parliament. He accused him of being lazy, indolent, and incapable; of being evasive, shuffling, cutting, and deceptive; of being plausible and artful, mean, insolent, confident, and cowardly; of being a poor, pitiful, sneaking, sniveling abject creature, fraught with deceit, and one whom no man of honour could support or trust as a minister or an individual.

Lord North observed, that this was a most unexpected attack; it was somewhat extraordinary, that if he deserved the many scurrilous epithets which the hon. gentleman had been pleased to bestow on him, that he had hitherto, to the present instant, been favoured by the hon. gentleman's support since his entering into parliament. He might deserve every thing the hon. gentleman had urged; but it was a little extraordinary, he thought, that the hon. gentleman should have been so long without discovering that the charges now made were well-founded; or if he had known them, that he had been so remiss in his duty as to smother them in silence. He did not recollect that in his private capacity he had given any just cause of offence to the hon. gentleman; if he had he was certain he never designed it; if in his public capacity he had, he was a stranger to it; for he might safely affirm, that he knew not of, nor recollected, a single instance in which he had cut or shuffled, or deceived the hon. gentleman. He might have given the hon. gentleman cause of offence without intention; but this he would add, and was intitled to say, that he thought the hon. gentleman's abuse the highest compliment it was in his power to confer; he disregarded his friendship, and he despised his approbation or good opinion. The

hon. gentleman had talked of his sniveling; he hoped that his betraying a weakness was no crime. He did not recollect that more than one instance of the kind had happened. It was a family affair; he had been charged in a particular manner. A particular family misfortune gave rise to that weakness, and he never expected to hear the weak, perhaps, but natural feelings of a parent objected to him as a sign of folly or incapacity. [See p. 927.]

His lordship then entered into a justification of his own conduct, and that of the rest of his Majesty's ministers, but did not advance a single argument that had not been urged by the preceding speakers. In answer to Mr. Fox, he fulfilled that gentleman's predictions, and followed him in the anticipated account he gave of his speech; said the rights of this country had been controverted or denied by America; that our colonies went into rebellion, that they were joined by France, which was finally abetted by Spain; and observed, that in no one instance was the British government to blame. In answer to the charges of incapacity, he said, he was willing to resign the very instant a successor was found, whom the sovereign and parliament might think more fit for his station. He had been frequently accused of corruption in his office, and of avarice. To the first it was enough to challenge his accusers, to come forward and make good their accusations, and to enter into facts and specifications; till then, disregarding all general loose assertions, he should remain silent: to the second, he could say, he came into office a poor man, and if he was to quit it the next day, he should leave it a poorer man.—As to the arguments relative to the present disposition of the people of Ireland, he had every reason to believe, that they were totally ill-founded, nor could he be persuaded that they wished to separate themselves from this country. He was perfectly satisfied, that England would do better without Ireland, than Ireland without the assistance of England.—He said, that on the following Thursday he meant to throw out some propositions. He did not promise himself certain success, but he trusted that they would meet the ideas of gentlemen of both sides. He acknowledged that there were many prejudices to be done away, and various interests to be reconciled. His lordship dwelt on the many favours which had been conferred on Ireland, since he had a seat in his Majesty's coun-

cils, such as the free importation of beef and butter rendered perpetual, the encouragement given to the Newfoundland cod-fishery, and the southern whale-fishery, by bounties granted by the British parliament; the giving leave to export woollens for clothing the troops on the Irish establishment, serving out of that kingdom; the act for encouraging the culture of tobacco and hemp by permitting its importation into Great Britain, the permission of the export of several enumerated articles to the British sugar colonies and the coast of Africa, &c. If these were proofs of negligence and ill-will in the present ministers towards Ireland, he was ready to confess himself a culprit. He acknowledged that those favours, however liberally given had not proved sufficiently efficacious in removing the difficulties the people of Ireland laboured under from the restrictions laid upon their trade, nor the distresses which were the consequences of those restrictions. What parliament might do, was not for him to dictate; but he presumed, they would come with the best dispositions towards their brethren in Ireland, and grant them every thing which did not clash with the essential interests of this kingdom. He said it could hardly be expected that he would give his assent to a motion which involved a censure upon himself as being included in the general description of his Majesty's ministers; yet he would add thus much, that if he had been totally an indifferent person he did not see the least ground for the motion.

Mr. *Welbore Ellis*, though a native of Ireland, rose as a member of that House, to give his opinion relative to the interest of his constituents, and was happy to find himself in a situation when he could unite a strict discharge of his duty with his native feelings. He said, the interests of both countries were reciprocal, and he had no doubt but the whole affair would have a happy termination. No proof had been so much as offered of the neglect of ministers. The disposition and temper of that House were well known respecting Ireland, during the two preceding sessions; a liberal turn of mind and opinion had succeeded to those local prejudices and impolitic distinctions. It was not in the power of ministers at the time to stem those prejudices, nor if it were, would it be proper. The ministers had acquiesced in the sense of the House then; they were so far right; they would again con-

sult the sense of parliament, and would abide by its determination.

Col. Barré was astonished that any noble lord or hon. gentleman should have confidence sufficient to attempt the arduous task of overthrowing a charge, the foundation of which was so obvious to the common sense of mankind. Did any man really believe, that those disturbances would have happened in Ireland, if ministry had done their duty? Even their ablest advocates were obliged to confess, that much less would have satisfied both the Americans and the Irish than would satisfy them now. The noble lord, in excuse for offering so favourable terms to the American rebels, though at first he insisted on their unconditional submission, says, that he foresaw a confederacy between them and the House of Bourbon. Did he really foresee such a confederacy? And yet, was it not the language of ministry, even to the last minute, even after the Conciliatory Bills had been introduced into that House, that France was too wise to interfere in the present quarrel? Oh! France is too poor for such daring attempts; her finances are in disorder; both France and Spain have colonies of their own; they will not teach them a lesson of rebellion; we can assure you, that they will give you no disturbance; when Mr. Deane came to Paris, it was a trip of pleasure, or a trading tour, or voyage. When Dr. Franklin soon followed him, he had either retired from America in disgust, or came to seek relief where he would obtain none. When the tobacco contract was entered into between France and America, it was not a public transaction but a private one, between the united colonies, and the farmers-general. Tobacco brought in a great revenue in France, the farmer-general could procure none, by the way of Great Britain, and that transaction was an act of necessity, not choice: in short, from the very beginning to the instant of signing the treaty of alliance between France and Congress, and for some time after, ministers affected to disbelieve that any such alliance would have taken place, until the count de Noailles notified it in form. Will the premises I have now advanced be controverted? Is it a falsehood that ministry spoke in this stile on the eve of the war that now rages? No; I will be bold to say, that I shall not, in what I have asserted, be contradicted. I vow to God that I am ashamed to draw the conclusion. Either the two noble

lords over the way (North and Germain) have asserted abominable untruths; or they have been most criminally negligent; and through indolence, or from worse motives, have sacrificed their country. The noble lord in the blue ribbon has confessed just now his incapacity to fill his present great office, yet he will not quit his hold of it until a fit successor appear, until his prince, and this House, shall see a man into whose hands they may safely confide the important concerns of the nation; that is to say, he is not fit to manage so important affairs himself; but if he cannot, others shall not. If he has become so corpulent, lazy, and indolent; if his nerves are so much weakened and unstrung, that he cannot go forward himself, he will lie down and be a great log in the way to impede the progress of others; but he will go about his business, when this House, or the master he serves, shall desire him.

He was remarkably severe on the Lord Advocate, who had taken the whole defence of administration on his own shoulders, and scarcely left any thing for the noble lord to say, but his hackneyed stories respecting his being pressed into office, his continuance there much against his inclination, his readiness to retire whenever a fit person could be found to succeed him, and his poverty and not having bettered his fortune a single shilling. Was the learned gentleman certain that keeping parliament sitting, would have been a wrong measure, or that it would have impeded the necessary military operations to sit during a season when active measures in the field were become necessary? The learned gentleman was very fond of allusions to ancient history, particularly to that of Rome. He remembered to have heard the hon. gentleman, when this subject of prorogation was last debated in that House, enrich his discourse with such allusions, and wish that consultation and deliberation were at end until all danger were passed, and that the whole power of the state were vested in the sovereign, as was the custom in the Roman republic, in the person of a dictator. He hoped the learned gentleman would be candid enough to permit him to make an allusion in turn; and begged that he would recollect that the senate of Rome assembled while Hannibal was at their gates; yet he hoped the hon. gentleman would agree, that they were a brave and wise people, and though they sometimes chose a dictator on criti-

cal situations, they had given at least one proof that in the most urgent moment, they thought it necessary to deliberate, and not trust the existence of the state to a single person and his immediate advisers.

Much had been said, by two noble lords who spoke early, of the loyalty and affection of Ireland. Most certainly the people of that country had given a better test of their loyalty and affection than what could be depended upon by way of assurance or declaration: but he begged leave to remind those noble lords, that as it was their loyalty and affection which encouraged ministers to oppress and neglect them, so it was a proper sense of those oppressions and neglects that produced their present resentment, and had provoked them to arms. They saw how America was treated; they felt a repetition of the same conduct towards themselves; they looked to the consequence which followed American resistance, and perceived the actual necessity there was for resorting to themselves for that relief which they were fully persuaded could not be obtained from the British ministry. For his part, he highly approved of their conduct, though he could not but condemn ministers for reducing them to that necessity. The people of Ireland had acted with firmness, and in a commendable manner. He would not flatter Englishmen to their faces, by saying, that the gentlemen of Ireland had acted like Englishmen; but he would affirm, that they manifested a spirit that would have done honour to Rome in the most patriotic and virtuous period of that republic. He was a native of that kingdom; he was educated at the universities there; and he could not refrain from declaring, that he was proud of the place of his nativity. He made no doubt but that all possible industry would be used to divide the people there, by holding out false lights, and creating divisions, in opposing different interests to each other. They were the arts that ruined this country, and brought it to its present calamitous state; the like arts he made no doubt would be tried in Ireland; the system which distinguished this reign, was supported by that accursed maxim of *divide et impera*, which he acknowledged had in many instances fatally succeeded; but he trusted the system would fall, and the maxim which had kept it on many occasions from falling to pieces. He rejoiced to hear what fell from his hon. friend (Mr. Fox), that there were now but two parties

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in the state, those who supported the present measures and present ministers, and those who opposed them; the influence of the crown was what upheld one, the virtuous, honourable, and public spirited of all denominations, were the friends of the other, or in fact composed that party; many great names had lamented, that any cause of difference of opinion, or disconnection, should divide the friends of their country and the people; and it was with peculiar pleasure he reflected, that the opposers of the present administration were at length happily and indissolubly united; this was the only union by which the salvation of this country could be effected, an union of virtuous and honest men acting together, and he had little doubt, if perseverance accompanied it, but the real friends of their country would at length prevail.

Lord George Germain said, if ministers were to blame, let them stand or fall together; let there be no partial or invidious selection of one man, as had been suggested by an hon. gentleman behind him (Mr. Macdonald) in a charge that was applicable to others as well as him, if it was applicable at all. He was at liberty to say, that the noble lord had very often spoke to him on the subject of the calamitous state of Ireland, and on the best mode of giving them effectual relief. He knew likewise that some persons of great weight and ability in that kingdom had been consulted on the subject; but their opinions were so contradictory, that no certain information, or what would promise to give satisfaction, could be obtained, sufficient to ground measures upon, and consequently neither ministry nor parliament could decide, till a proper specification was made by the people of Ireland, through the only channel on which it could be relied on or attended to. That specification had been made. The Irish parliament came to an unanimous vote, that nothing short of a free trade would answer the object which their present situation necessarily pointed to. The Irish parliament had been explicit, and he hoped that their desires would be granted. Their distresses hitherto had only been proportioned to their real deserts; and, for his part, though he did not wish to anticipate the wishes of others, or influence a single person who heard him, he was of opinion, that they deserved every indulgence, and were entitled to every benefit in common with the subjects of this king-

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dom, which might not appear to be detrimental to both. Ireland had laboured under uncommon difficulties, and great oppression; she had borne them with patience, and had, under her heavy burdens, still continued loyal and affectionate to this country. Harmony, he made no doubt, might be yet restored between the sister kingdoms, and he was persuaded that if justice were done to her, nothing had yet happened which could prevent a return to her former sentiments of confidence and regard for this country. The noble lord (North) said he had a plan, which he would open in a few days. He knew nothing of the noble lord's propositions, he was glad to hear that there were any, and he wished most anxiously to see them.

The hon. gentleman who spoke last, said, he was a native of Ireland, and educated at the university there. He had not the honour of being a native of Ireland, but he had the honour of being educated at the same university with the hon. gentleman; and had passed many years in that kingdom. The hon. gentleman said, that he had many friends there, and had seen some of them in the summer, and that they affected a great reserve, and hinted no more, than that they would have nothing to do with this country. He could boast of a like communication and correspondence; and protested that he never perceived any such disposition in those with whom he conversed or corresponded. He found them in the temper he wished; a strong expectation of raising substantial relief, in order to remove the distresses they laboured under. This was the general temper of the people, from what he could learn; and he had every reason to believe, whatever thoughts a few violent spirits might entertain on the subject, that gentlemen of weight and property there would shrink from the idea of a total separation from England.

The hon. gentleman had dwelt much on the defects in the constitution of that kingdom, particularly on the inconvenience arising from the 10th of Henry 7, called Poyning's Law, which vested a negative in the privy council of England; of the power of the crown over the hereditary revenue, and some others. For his part, he did not think the present was a proper time for the discussion of such subjects. The parliament and people of Ireland themselves were silent on the subject; for he should never judge of the temper of

either from the sudden opinions thrown out in the heat of debate, much less those disseminated in books, pamphlets, and newspapers; he would rather rely on the sense of parliament in its collective and deliberative capacity. If the hon. gentleman attended to that authentic source of information, he would not find a syllable relative to those subjects. The Irish parliament said not a syllable about altering their constitution; theirs was a commercial object, the freedom of trade. In his own opinion, if Poyning's Law, or that in the succeeding reign for annexing Ireland to the realm of England, should be repealed, the constitutional connection between both kingdoms virtually ceased, and though no formal separation should take place, they would be but nominally united.

The hon. gentleman had described the power that the King had over the hereditary revenue to be a great grievance. It might, at some future period, call for regulation. He did not pretend to say whether or not it would be proper; nor was that question at all before the House. The hon. gentleman had stated the case very fairly. He had himself an opportunity to know a good deal about the subject, when employed in an office of trust in that country [secretary to his father, the duke of Dorset, when lord lieutenant of Ireland, in 1753.] He remembered on that occasion, there was a considerable surplus in the treasury unappropriated or unapplied. A bill was passed to apply this surplus to domestic improvement, and other public uses. The late king being advised that this sum was vested in him, returned it with the word "consent" altered from "assent." When the bill returned, it was thrown out by a small majority, and his late majesty disposed of the money by the king's letter, which had been alluded to by the hon. gentleman.

An hon. gentleman (Mr. Burke) had said, that Ireland would give no more than six months credit to ministers. He presumed she acted extremely right. It was wise in her to do so. Their voting a short money bill was expedient, was necessary. They wished to convey to the British parliament their wants and their intentions. They considered, besides, that at a time when new arrangements were to be made, new taxes imposed, and their financial system was to undergo a total change, in case a free trade was to carry with it an equality of taxes to those now existing in this country, that it would be extremely

improper to vote the supplies for the usual period of two years. New sources of wealth were to be opened; the revenue would of course be augmented: in such a case therefore, it would be necessary, in order to appropriate new taxes, or take off some of the old ones, that a short money bill should be passed. On the whole, even if ministry had been as criminal as they were described, yet there could no harm or inconvenience arise to the state, by putting off their trial for a few days; but there might arise much mischief by censuring them at a time, when their utmost attention ought to be paid to the affairs of Ireland, which admitted of no procrastination or delay.

Mr. *Dunning*, after going over several arguments of less importance in favour of the motion, directed his speech chiefly to shew the fallacy of the defence, set up by the Lord Advocate. Indeed, every thing else offered on that side, served, in some one shape or other, to prove the propriety of agreeing to the motion: yet how willing soever he might be to give the learned gentleman credit for his ingenuity, he little expected to hear the motion opposed by a professional man; because the proof on which it rested involved a negative. Most certainly, the charge, as it applied to ministers, was intended to prove a negative, though the proof itself was clearly affirmative. The duty was stated. What was that duty? It was prescribed by the paper read at the table, the address to the crown and the King's answer, that the affairs of Ireland should be by them taken into consideration. What was the intention of that address? To prevent the very evils which have since happened. What was the other object? To give immediate relief, and unite both kingdoms in interest and affection. Would any man say, that this had been done? Would any man seriously affirm, that either or any of the objects of that address had been attended to? He was sure no man would: but if there was any man on earth could bring himself to give credit to so glaring an improbability, he must have less candour than even the noble lord in the blue ribbon, or the noble lord who spoke last. What did the former say? That it was necessary the Irish parliament should be early convened. Why not then do so? And, that he had propositions to submit to the House, which he would lay before it in two or three days. By this confession the noble lord had fairly acknow-

ledged, either that the Irish parliament should have been summoned earlier, for the purpose of learning the sense of that body and their constituents; or that there was no occasion for their meeting before their usual time. Both assertions could not be true; if one of them was false, it answered his purpose, that of shewing that ministers were guilty of the grossest ignorance or the most criminal neglect. An additional motive suggested itself to him, to shew that their reasoning was, in his opinion, undeniably conclusive. If nothing could be done till the sense of the Irish parliament was known, why not convene that of Great Britain earlier? The enemy, by the most authentic accounts, had returned to Brest for several weeks. Whatever the events of the campaign might have proved, they would have been decided surely before the 25th of November. And why were not ministers prepared with their plan when parliament did meet? It was evident that they then had no such plan; it is clear that they have now no such plan, for the noble lord who spoke last has told you so. One noble lord tells you, that a plan might be framed by any three men assembled for the purpose in three hours: the noble lord high in office and who assists in the King's councils (*Germain*) says, he is entirely ignorant of it, and wishes to see it: consequently he cannot have been consulted upon it. He talks of private discourses he has held with the noble lord in the blue ribbon upon the subject, but not a syllable of the propositions as a cabinet minister; whence it is plain, he is utterly unacquainted with the noble lord's plan.

The learned gentleman, and the noble lord whose defence he has undertaken, say, that it would have been extremely inconvenient to have convened parliament while an invasion of the kingdom, or a landing on our coasts was daily expected. This indeed, might (if the reasonings which were urged by him were cogent) be a good one, but then, he desired the learned gentleman to recollect, that parliament had sat full eight weeks after the address to the crown passed that House. Why not then, in the interim, pay some attention to the affairs of Ireland, or why not, at least, convene that of Ireland earlier?

There was one of the rules of evidence laid down by the learned gentleman, which as one of the same profession, he confessed puzzled him a good deal, that was the le-

gal impossibility of proving a negative. For his part, he understood, that the whole frame of the laws of every civilized country, were chiefly directed to enforce obedience. How could obedience be enforced, or neglect ascertained, but by proving that a positive duty had been neglected, or not performed; and what was the mode of defence the law admitted? Either by proving that the duty had been performed, or not neglected, or that the duty was such from its general nature, or the particular circumstances attending it, that it could not be performed; *id est*, that it was not neglected. Had the noble lord in the blue ribbon, or the learned gentleman for him, offered a syllable in his justification, to shew that what was now intended to be done, might not have been done six months since as well as next Thursday?

He entered into several other parts of the question very fully, and observed, that the very reason assigned by the noble lord who spoke last, "that ministers ought not to be condemned though guilty, for a few days, till the nature of the propositions which they intended to make to the House were known and tried, and would, if approved of, prevent further delay," was the reason that induced him to proceed to censure; because it would tend to satisfy Ireland more than any other measure whatever, that the authors of their distresses, or those who had taken no one step to redress them, had on that account become the just objects of the censure of a British parliament.

The *Attorney General* closed the debate, and took a general view of a great number of the principal subjects discussed in the course of the evening, reducing what had been said in favour of the motion to certain distinct heads, which he endeavoured to answer in the following manner: It had been said, Why not convoke parliament earlier than the 25th of November? Why not in September? We blame ministry for not doing in September what we think they ought to have done then, for reasons that have occurred since that period. But in reason and candour, the question should be, Did ministry in September see any reason for then assembling parliament? At that time of impatience, anxiety, and general alarm, was there a man who thought of calling together the parliament? And shall we blame them for not doing what we never thought of doing ourselves? In order to prove ministers the authors of the commotions in

Ireland, it is said, that these would never have taken place, but for their neglect in not taking such wise and timely measures as might have prevented the rebellion in America. But this is not fair reasoning; for by such a series of causes and effects, from one fault you may trace all the misfortunes that may happen in consequence of it for a century, or to the end of the world, and charge on the head of ministers the accumulated guilt of supposed crimes, where no intention could precede, and which no human sagacity could foresee.—The object of the present motion is, to remove from their offices the present ministry, and for this purpose gentlemen prove that they are weak and of no great capacity or abilities. But where is there a perfect minister or perfect man? The question is a question not of an abstract nature, but of comparison. We ought not first to establish in our mind the idea of a perfect minister, and then judge the gentlemen in office by that standard. The question ought to be, Can a ministry be got at present better than the present with all their faults? It is objected to the present ministry, that they depend for their existence, solely on the influence of the crown, and that of their adherents in the House; that they have not a great party on their side, consisting of the great families of the country; that they are supported by no powerful national cabal, or family connections. Truly I think this much in their favour. If I thought that they kept their places by the strength of a faction of this kind, I would vote for their removal to-morrow. I never desire to see a ministry that is not willing, that is not desirous, that is not obliged to call to their aid, all the virtue, all the abilities of the nation. But whatever may be said of the merit or demerit of the present ministry, I think that it would sound very ill in Ireland, to say the consideration of your affairs is postponed. The parliament are enquiring into the conduct of their ministers: they are first to make reformation in their own government at home; and then, when they have leisure, they will attend to the grievances of which you complain.—He answered Mr. Fox very fully on the subject of party. He said the crown ought to have influence, and should a contest, such as that avowed by the hon. gentleman, take place, he hoped that of the sovereign would prove most powerful. He disapproved of all parties, whether aristocratic, or merely popular,

when those parties proceeded upon an exclusive principle. He thought no body or description of men ought to be proscribed. The hon. gentleman had said, that the party he acted with were the friends of their country, that they were united, and that they were determined never to act with the present ministers, or their friends. He was sorry for it; but if this was the principle they meant to adhere to, he was well pleased to know it, for he should, whether in or out of office, most certainly set his face against such a monopoly of power. At all times he thought a comprehensive plan both the best in point of effect, and in every sense the most equitable, particularly at a season like the present, when domestic union would promote domestic strength, and an accession of strength render us equal if not superior to the utmost efforts of our enemies. As neither any neglect had been proved against ministers, and if there had, that this was not a proper time to pass a vote of censure, he should give his negative to the motion.

At half after 12 the House divided:

Tellers.

YEAS	{	The Earl of Upper Ossory	} 100
		Mr. Thomas Townshend	
NOES	{	Mr. Charles Townshend	} 192
		Sir Grey Cooper - -	

So it passed in the negative.

Dec. 8. Mr. Macdonald apologized to Lord North for some hasty expressions which had fallen from him on the 6th. He could now affirm, that they were totally ill-founded, and that in his cooler moments, were directly contrary to his real opinion, never having had any reason for entertaining any such sentiments respecting the noble lord. It was a natural infirmity which suddenly hurried him sometimes to go beyond the limits of his own judgment. He begged pardon of the House, if any indecent expression had escaped him, and hoped the noble lord would accept of his apology.

Lord North said, he should have come better prepared to return the candid declaration made by the hon. and learned gentleman, and the very handsome manner by which it was accompanied, had he any previous intimation that such an explanation of what passed the evening alluded to was intended. Unprepared as he was, all he could say was, that he gave the fullest credit to what the hon. gentleman had

said, and was ready to beg pardon of the House, if any thing which he said administered just cause of offence; at the same time, he begged leave to assure the hon. gentleman, that whatever he might have said respecting him, had no subsequent existence in his mind but what arose suddenly on that occasion.

Debate in the Commons on the Army Estimates.] Dec. 8. The House went into a committee on the Army Estimates.

Mr. Secretary at War informed the committee, that the ground of his application for so large a force, was the inferiority of our fleet and its consequent inability to execute the various and very extensive services, which in former wars had been derived from that establishment. He asserted that the number of men raised in the course of the summer had been very considerable, and much exceeded his highest expectations, considering the short period in which the greater part of them had been raised. The British troops last year were 96,000; this year they would amount to 111,000. Last year the militia, including fencibles, were 37,000; this year they would be 42,000. This addition arose from the corps and companies attached to the militia, under the last Militia Act. Foreign troops last year, 24,000, pretty nearly the same this; and the artillery about 5,000, besides the additional companies, which would make a total of 179,500. He then went into the distribution. In America, and the West Indies; British, 56,000; foreigners about 21,000, in all 77,000; of which 15,000 were serving in the West Indies, Africa, &c. which left 63,000 in North-America, including the artillery. In Gibraltar and Minorca 4,000 foreign troops and 7,000 British, in all 12,000. He next spoke of the state of the new levies, and the recruiting service. The additional companies, he said, amounted to 1,400 men; the new levies to 13,200; and the impress produced upwards of 1,400 more, which, added to militia and fencible augmentations, made the whole upwards of 22,000. It might seem strange, that the recruiting service and impress act did not produce a greater number, but that circumstance, when properly considered, could be easily accounted for. For it was evident, that the new levies impeded the recruiting service very considerably, on account of the high bounties, and other temptations held out to men to enter into them; sometimes

ten guineas a man; while the recruiting service continued to give no more than the usual levy-money. There was another reason why the recruiting service was impeded, that was the encouragements held out to enter into the militia, where the premium was from five up as high as ten guineas, to serve as substitutes; the persons so entering being protected from the impress, and, being only engaged for three years, and not obliged to quit the kingdom.—The hon. gentleman concluded with moving the Resolutions founded upon the Estimate.

Sir *Charles Bunbury* could not help offering a few words on so important a topic as that then before the committee. When he looked round him, he knew not whether he had most cause to regret or to rejoice, that he was a man of no party; on the one hand, he hoped his opinion would be considered as the sincere sentiments of his heart, on the other, he was not likely to be supported by either side of the House; the awful situation of this once flourishing empire made it his duty to endeavour by a few words addressed to that description of men, of whose number he was an obscure individual, he meant his brother country gentlemen, to awaken their attention to the real importance of the estimates, which they had just heard; and before they gave their votes in favour of them, to induce them to consider how far it was wise and politic to agree to them, how far the remaining resources of this oppressed and sinking country were capable of supporting the enormous expence which they would occasion. He should endeavour to shew that it was an act of political insanity for this country ever to rely on any other security and modes of defence in times of war than that which our insular situation pointed out to the eye of every observer as the natural security and defence of Great Britain, namely, a large naval force. He said, he never in his life gave a vote with a more heart-felt satisfaction than that he had lately given for 85,000 seamen. The increase of our navy, the natural bulwark of the empire, was undoubtedly the object which every Englishman ought to be anxious for; and when we confessed ourselves weaker in that respect than our enemies, and incapable of remedying that weakness, we not only shewed that we were manifestly on the decline, but that we had already sunk to a very low and lamentable state indeed. Before the coun-

try gentlemen of this day gave their vote for the immense army which they had heard stated, let them for a moment consider the ability of the nation to support the expence, and the adequateness of the measure to effect the great purpose of the war, the obtainment of honourable peace. If the prospect were unpleasant without doors, it was not less melancholy within those walls. On the first day of the session, what had he seen there? On the other side of the House, a minority, great part of whom were sunk into despondency from a deep sense of our wretched situation, another part roused to the loudest expressions of rage and indignation against those whom they considered as the authors and provokers of our calamities! On the other side the House a sullen majority, silent within doors, loquacious without! In every other place but that House, to the amazement of speculative politicians, echoing and upholding the opinions of those who had opposed all the measures of the very men whom they uniformly supported with their votes. The noble lord in the blue ribbon, and his colleagues in office, stood almost without an advocate, excepting only his far fetched advocates of the north, who in the moment when other men were sunk and depressed with a sense of our misfortunes, ventured to hold language of encouragement, and attempt to flatter gentlemen that the very reverse of the picture before their eyes, was the true representation of our affairs.

Having lamented in general terms the present critical situation of his country, sir *Charles* advised the committee, and particularly the description of men to whom he professed to address himself, not to trust to the gloss which had been put upon our situation, either by ministers or their advocates, but if they wished really to retrieve their affairs, to do as every wise man in private life does after a misfortune has befallen him, to look to the state of their circumstances. General confessions that the danger was great, and therefore the immediate consideration must be to vote large armies to oppose the threatening foe, was a fallacious doctrine, and if blindly confided in, might prove fatal; the danger certainly was great, the greater was the necessity that gentlemen should enquire not only by what instruments to oppose it, but how far we were capable in point of resource to furnish those instruments, and to support the expence of them. This country had at this moment a debt amount-

ing almost to 190 millions. The minister had already borrowed 20 millions for the service of the war which were not yet funded; and these millions the minister had borrowed at an extravagant interest. Nor was the evil confined to the great national burthen which it increased, it was otherwise severely felt by all ranks of people. The minister having given such exorbitant interest for his loans, no other man could borrow money; a matter which in a country like this was a severe affliction; it tended to the manifest inconvenience of the private gentleman, to the certain ruin of the merchant, the manufacturer, and the trader. Let gentlemen consider the growing expences of the war, and the amazing amount of the estimates; let them also consider the impoverished condition of a people groaning under the weight of taxes of almost every sort that human ingenuity could devise, taxes which had the double bad effect of being at once vexatious to the subject, unproductive to the revenue. Let them also reflect on the different state of the finances of France and Spain; the first country had been at war with us for two years, and had not yet, as he understood, imposed a single war tax upon her subjects; she meant to borrow two millions for the ensuing year, but even the whole interest of that loan was to be paid out of the savings of the French government. Spain, who had newly come into the war, had riches enough in her coffers to enable her to carry it on for two years longer without burthen to her subjects. Let gentlemen compare the state and situation of the finances of France and Spain with those of Great Britain. Would any man say, that this country, with all her boasted resources, could afford to carry on the war much longer? Even admitting for a moment that it was safe to trust our defence to an army, it appeared to him that the army proposed by the estimates was either too small or too large, to answer the purposes which it had been presumed equal to. Gentlemen would be a little surprized at hearing him say the army was too small, after what he had already urged upon the subject, but the fact was easily made out. In the estimates it was stated that no less than 79,000 men were for service in America. Large as an army of 79,000 men was, it was inadequate to any purpose of war in America, and this past experience fully evinced. There had been an army of this amount under a very

active commander all the last campaign, and what had it done? Shewed itself incapable of any one offensive operation, and even of maintaining and defending the small part of America which we had for some late years held, for the army had evacuated Rhode Island, on the news of D'Estaing's approach. If any part of the plan of the war for the ensuing year extended to an intention of endeavouring to regain a larger share of America, experience proved that an army of 79,000 men was not equal to the object. If America was to be given up—(and to entertain at this day an idea of the probability of our being able to conquer it, was as absurd as any one idea of a Bedlamite could be—this country might just as well hope to conquer Turkey.)—if America was to be given up, the 25,000 effective men, which were now stated to be cooped up in New York, would be 25,000 men for the defence of this island, and so many might be spared from the estimates for our home defence. The army therefore, which gentlemen were called upon to vote in that committee, was, as he had stated, either too small or too large for its object. He took notice of the minister's declaration on the first day of the session, "that we were in a better situation than we were when gentlemen left that House, and retired to the country at the close of the last session," and said, that declaration was inexplicable, and such as he could not reconcile to any logic he was master of. We had in the course of the campaign effected no one capital enterprize; at sea we had been so far inferior to those of France and Spain, that the enemy had rode masters of the British Channel, while our own fleet, under the command of sir Charles Hardy, had been obliged to make a retrograde motion to Spithead, with the ships' sterns to the heads of those of the enemy. We were driven out of the Mediterranean, so that neither our commerce nor our country was protected. What had been the case in the western world? St. Vincent's lost; Grenada, the valuable island of Grenada, lost. Were these losses of no consequence, that enquiries into the causes of them had not been set on foot? He did not mean to cast the least reflection on any officers, nor was he sufficiently master of the relative facts, even were he inclined so to reflect, but the public had talked largely of neglect somewhere. St. Vincent's, the public said, was taken by 450 French troops, when there were 460 British upon the

island. Surely some notice should be taken of the matter. Public report, if false, should be contradicted, and where blame appeared to be due, there, and there alone, it should be imputed.

He then proceeded to call the attention of the committee to the American war, which he described as the great cause of all our misfortunes, and respecting which, he thought ministry had been too neglectful, if the Spanish manifesto was to be relied on. In that state paper, he remarked that Spain complained in specific terms of the British ministers having turned deaf ears to her mediation for a peace, that was for a truce *uti possidetis* without Great Britain's being obliged to acknowledge the independency of America. Circumstanced as we were, loaded with debt, sinking under taxes, and our resources daily decreasing, he thought a peace, at almost any rate, a desirable object; but on the moderate terms which Spain, through her mediation with America, had procured for us, a matter eagerly to be caught at. He concluded with reminding the House of the several great heads of objection to the motion which he had stated, and which weighed so much upon his mind as to oblige him to vote against the estimate which had been moved, and against the others which were to follow it.

Mr. T. Townshend said, that the force going now to be voted, was a most enormous one, and such as would have furnished just cause of alarm at any period, but infinitely more at present, when the army had been garbled, and the established rules of service violated and departed from in a great variety of instances: when officers of tried skill in the service were neglected and juniors daily put over their heads. There were other reasons besides even the injustice of such a conduct, which had a considerable weight with him. If men of uncertain principles, of desperate fortunes, were raised from obscure situations into high commands, such men in all countries and at all times were the proper instruments to effect the establishment of despotism on the ruins of the constitution. By the estimates it appeared that there were, including the fencibles and militia, last new levies and additional companies, very nearly 100,000 men in arms in this kingdom. To shew that his jealousy was not totally ill-founded, he adverted to several instances which tended to prove, that his apprehensions were not chimerical; among others he spoke of a Mr. Keating,

advanced to the rank of colonel, and the command of a regiment, from being only a lieutenant upon half pay. He made several observations on this extraordinary appointment, and among others said, that this man, perhaps on account of his merit, had been taken from the ranks.—Having enumerated a few other instances of a like nature, he desired to know what would be the probable consequence of such proceedings? If the ground of necessity was a rule proper to be followed as a justification for confounding and overthrowing all merit, to be derived from service, it was a general rule applicable to all. He had nevertheless heard that several persons of the first rank and weight in this country, had made offers to raise regiments, but their offers were rejected. Some without any additional rank or patronage, others at a very high expence to themselves. He had heard the right gentleman who moved the resolution, say on the first night of the session, that this rank was but temporary, and that such as had it given them, by way of equivalent, had relinquished their former rank, and with it their half-pay. This he understood was a curious piece of business, for the officer on being appointed to the rank, was obliged to sign a paper relinquishing the half-pay; while on the other hand, he received a paper, which secured it to him. By this means his half-pay was secured, his resignation appeared in the office, and gave every appearance to the bargain as if it had been a fair *bona fide* transaction. Among a variety of exceptionable items in the estimate, one in particular impressed very strongly on his mind; it was relative to the general staff. In 1762, the last of the late war, the whole expence of the staff was but 69,000*l*. whereas the staff of Great Britain this year was upwards of 40,000*l*. and America somewhat more, in all, 82,000*l*. Here was an excess of 13,000*l*. in a single article. He said the common topic out of that House, was the influence of the crown, and secret influence. The very men, who were its warmest abettors there, no sooner got beyond the bar, but they confessed it. They spoke without reserve of it in all private companies; but said, that various inducements led them to support the present system. What those were, it would be needless to repeat; it was enough for him to say, that the influence of the crown swept every thing before it.

Mr. Fox, before he could give or refuse his assent to the resolutions, wished that either the noble lord in the blue ribbon, or the noble lord at the head of the American department, would acquaint the House, whether the war in America was to be an offensive or defensive one.

Lord George Germain replied, that the present war was a war with the confederated powers of France, Spain, and the rebellious colonies; that to withdraw the troops from America, would be yielding the victory to the House of Bourbon; for that was their only object in the present contest. How far the war with France and Spain might make it convenient to relax for a time, he could not say; but as far as he knew the American war was not abandoned.

Mr. Fox said, that by war in America he understood active, vigorous, and offensive war; and this his meaning he had stated in his question. The noble lord, to this unequivocal question, had given an equivocal answer, "The war was not abandoned." In candour and fair reasoning, however, he was obliged, or at least at liberty to suppose, that the noble lord answered directly to the spirit and intent of the question. He would first suppose, therefore, that it was the intention of administration not to keep the few places they now held in America, not merely to garrison Quebec, Halifax, New York, or Savannah, but to strike some blow against the revolted colonies, to reduce them to obedience by force of arms. But was this in reality in their power? No. We might as well think of subduing Turkey, as of conquering America.—He next spoke of the enlarged influence of the crown. Its patronage, which had been increased by the increased power of the empire, was the origin of all our misfortunes. Unfortunate it was, and in some measure mysterious, that royal influence, which was extended by the rise, had not yet been contracted by the fall of the empire. A phalanx was formed under ministerial influence, that pursued its own objects, regardless of the interests of the community. True, they cry, O! we are no exclusive ministry—we are desirous of all the assistance and support that can be had in the nation. The recruiting serjeant, who beats up for recruits, receives all that come into his pay. I understand that the political recruiting has of late been going forward, though, if we may judge from the recruits, with no great success. No man of cha-

racter could enlist with them. The treatment which his much injured friend general Burgoyne had met with, was a lesson to all military gentlemen. If he had been tried, and acquitted with honour, as he did not doubt he would have been, he would have been laid aside like his hon. friend admiral Keppel; but if he had narrowly escaped with his life, he might have received rewards and honours—he might have been appointed Secretary of State.

Mr. Turner was very severe on the scandalous management which had obtained in the department of the commander in chief and the war-office. He said a near relation of his, who was an old lieutenant-colonel, was now commanded by a colonel M'Carmack, at Chatham, who had been raised from an half pay lieutenant. After entering into several family anecdotes, he told his cousin, when he was going to serve in America, at the commencement of the present war, that though he was his nearest relation, and only one stood between him and his fortune, a sickly daughter, he would never leave him a shilling if he went to fight against his American brethren. He was now well served, and properly requited for his zeal, to come to be commanded by a subaltern upon half pay, and he was glad of it. He was no party-man, he was an old fashioned Whig; he was one of those Whigs who approved of the principles which promoted the Revolution, and seated the House of Hanover on the throne. The spirit of that settlement was legal and perfect freedom, liberty for the poor when they did not offend against the laws, as well as the rich, and when they did, punishment equally for both. He said the American war was founded in principles of despotism. America once enslaved, England would soon lose its liberty. It was this persuasion that always induced him to wish, that America might prevail in the contest. She had, in fact, prevailed over the friends and supporters of tyranny and despotism, and he rejoiced at it. He had declared, the last night he rose in that House, that a Spanish or French government was preferable to the present government of this country. He was willing to prove it: France and Spain protected their subjects; England did not. The people of England were oppressed and plundered at home; they were not protected from the attacks of their enemies. The whole county of

York, where he resided, was left defenceless, and all the coast from Harwich to the Firth of Forth. He remembered when Paul Jones was off the coast, a few months since, what an alarm was spread through his neighbourhood; and by every thing he could see, a French or Spanish government was preferable to that we now lived under. If the enemy had landed, he could have made terms with them. He could have secured his property upon conditions; those conditions would be such, as to protect him from domestic oppression, and external violence. He totally disapproved of the militia; said they differed very little from a standing army; and declared, if no other person opposed the resolutions, he would; for he never would trust ministers, nor grant a single shilling of his money for the purpose of carrying on the American war.

Lord *North* entered into a defence of the commander in chief; said he wanted no power necessary for his situation, that the instances adverted to by hon. gentlemen, would come out to be perfectly justifiable, when a full enquiry was made. An hon. gentleman (Mr. Fox) had talked much of the influence of the crown; he did not know if any such influence existed, that it had lately increased. For his part he could say with truth, that he never endeavoured to extend it, or make an improper use of it. The hon. gentleman had dwelt on the American war, and wished to know the intentions of administration. What those intentions might be, so far as they related to military operations, was a subject, he believed, extremely improper to be discussed in that House.

General *Conway* confessed the estimates were enormous, and much exceeded any thing which had been ever voted in this country. Several gentlemen had, in the course of the debate, asked questions relative to the intentions of administration, respecting this American war. He had no occasion to remind the House of his sentiments on the subject of that ill-fated war. He still, as he had always done, abhorred and detested that war. He thought it unjust in principle, and impracticable in the execution. He thought it, in every sense of the phrase, oppressive and unconstitutional; and had it proved successful, big with danger to the liberties of this country. Having said this, he was of opinion that though the force was enormous, it still fell short of his wishes, considering the exigency of affairs; and as it

was necessary, and ministers were supposed to be responsible, he was both for the vote proposed, and that without annexing any condition respecting the particular employment of the force.

After some further conversation, the Resolutions moved by the Secretary at War were agreed to.

Dec. 9. Previous to the report of the committee of supply being brought up, the debate was renewed upon the Army Estimates.

Mr. *T. Townshend* apologized to the House for speaking again upon the subject. He had however put a question to the Secretary at War, in his former speech, to which he had received no answer. The question he alluded to went to the desire of an explanation how it happened that the charge of the staff and general officers for 1780, so greatly exceeded the charge of the same article in 1762, which was beyond a doubt the most expensive of any year of the last war.

The Secretary at War said, he was free to confess he was not prepared yesterday, and to that he must add, he was not prepared then. As soon as he went home, he had endeavoured to look into the particular, but he found it a matter of greater difficulty than he had imagined; it required an inspection of many more papers than he had as yet had time to examine; as soon as he was ready, he most certainly would give the hon. gentleman an explicit answer.

Mr. *Powys* begged for one, to say, that he did not by any means consent to the further pursuit of the American war. He entered his protest against it most heartily, and gave that notice to ministers, that they might not hereafter say, that he and other gentlemen near him in consenting to the report of the committee on the army estimates, engaged to support ministers in going on with the American war.

Mr. *Hopkins* begged to know what was the number of the provincial troops in America now, reminding the noble lord, that he had formerly said we had a larger army of provincials fighting for us than Washington's whole army. Mr. Hopkins called the American war, an absurd, detestable, and damnable war.

Lord *George Germain* acknowledged he had last year stated the fact as the hon. gentleman had alledged: he had at that time mentioned that from 5 to 8,000 provincials were in our service. At present

he believed the number of provincials might be 7 or 8,000.

Mr. Fox spoke on the impropriety of voting so large an army, at such an immense expence, in a precipitate manner, when ministers not only preserved a sullen silence as to the great object and use that was to be made of so large a force, but refused to give the House the least reason why they were called upon to vote so large a sum of their constituents' money; and upon questions so closely put that they were obliged to rise and say something, they excused themselves from saying any thing satisfactory, by declaring, that they had come to the House without their papers, and they were not prepared. He therefore urged the House to adjourn the report to a future day, till ministry were prepared to answer every question upon a subject, which it so well became that House to investigate in the most serious and deliberate manner. The very size of such an army was surely enough to alarm every country gentleman who had the least regard to the constitution; not, indeed, that he feared the army much at present, because most of its officers, and almost every man of weight and respectability in it, thought of the ministers as he did, and as other gentlemen with whom he had the honour to act, did; and in any violent convulsion of the state, were as likely at least to take one side, the side of the people, as the other. He called again and again on the hon. gentleman in office, to give the House some account in what manner the American war was to be carried on, and how so immense an army was to be employed? He said, the silence of ministers that day was a shameful instance of the prevalence of that fatal influence, the influence of the crown, which was undermining the constitution, and which induced ministers to insult parliament from day to day, and refuse them the least information on any the most important topics.

The *Secretary at War* declared he was no minister, and therefore could not be supposed to have a competent knowledge of the destination of the army, and how the war was to be carried on.

Sir William Meredith said, every man who accepted an office was responsible, and that House had a right to enquire of those who sat near the hon. gentleman, as well as of the hon. gentleman himself, what was designed to be done with the immense army, which they had been called on to

vote at so vast, so enormous an expence to their constituents. But after the language that had been held within those walls, what could parliament, what could the people expect? Had not one of the adherents of ministers (Mr. Dundas) one of their panegyrists and supporters, who brought his praise and his zeal from a distant part of the kingdom, told them but the last year that Rome had a dictator, and that the Roman senate gave up its power of interfering with government in matters of war to the dictator? After such a sentiment as this, what could gentlemen expect, but that the minister considered himself as the English dictator, and wished parliament to resign its most essential rights into his hand? Sir William enlarged upon what he termed the indecency of suffering the report to be brought up before gentlemen were at all satisfied with respect to many of the estimates which were to be the subject of it; and concluded with moving, "That the further consideration of the Report be adjourned to Tuesday next."

Mr. Dundas complained of the hon. baronet's having gone back to what had passed in a former debate, and by a gross perversion of what he had said, misrepresented him to the House. What had fallen from him relative to the Roman dictator, was both in its application and its phrase exceedingly different from what had been now stated as his sentiments. It was last year when the House were debating the propriety of an adjournment, that he had used it. He had said, that the winter months were those fit for debate, and that Rome had appointed a dictator in times of war and public difficulty, to carry on the executive part of government. He had never said, that the senate gave up its rights to the dictator; so far from it, the senate enjoyed its full powers, and the dictator acted under the controul and authority of that senate. This he had applied to Great Britain; and so far was he from being ashamed of the sentiment, that he held it still. - It was founded on reason and common sense. The hon. baronet had invidiously endeavoured to cast a reflection on the place of his birth. What had that to do with his arguments? He did not see, therefore, what it mattered, whether he was born on the other side of the Tweed or on this, nor how it concerned any gentleman of that House where his father enjoyed his mother. [The House here burst into a loud laugh.] He was

glad, he said, to see he had caused a laugh; he was glad he could for a moment entertain the House.

The question being put on sir W. Meredith's motion, the House divided: Yeas, 113; Noes, 159. The report was then brought up and agreed to.

Debate on the Duke of Richmond's Motion for an Economical Reform of the Civil List Establishment.] Dec. 7. The Duke of Richmond, after taking a review of the state of the kingdom, and the powers we had to contend with, called upon the noble lords to reflect seriously, whether it was possible for this country to proceed in this war, with any other prospect but of terminating it with dishonour, if not national ruin? We were now engaged in a contest with the two chief branches of the House of Bourbon; indeed he might add with the whole House, since Naples and the other inferior branches of that House, would, if necessary, readily join in destroying our trade in the Mediterranean. Genoa was also under the influence of France, and if we had a naval force in the Mediterranean, it would be better for Great Britain, that Genoa had declared herself a party in the war. That republic supplied France with ships, sailors, timber, and several kinds of naval stores. He had been informed, that there were no less than 4,000 Genoese sailors aboard M. D'Orvilliers' fleet, when it went to sea. Portugal was, at least, in a very doubtful situation, and if pressed closely by the House of Bourbon, however unwilling, must forbid our harbouring in her ports. Holland was unkindly disposed towards us, and full of resentment, for our seizing their ships. The only naval powers who could afford us any relief, were Russia and Denmark, who stood by unconcerned spectators; and if they should be prevailed to take part with us, no great advantage could be derived from it, as Sweden, which was known to be in the interest of France, would nearly balance them in the opposite scale. Thus Britain stood alone, with one third of her subjects confederated with this formidable alliance, without a single ally, either in Europe or elsewhere. In such a moment of difficulty and danger it was a duty on their lordships to enquire, what means the nation had left, what internal resources she had to bear her out in so unequal a struggle?

In the year 1775, the war in America exceeded the usual peace establishment

about two millions, which was funded in 1776, the next year, five millions; the next six, and the last seven, in all twenty millions funded; besides this, the sinking fund, land and malt, produced, upon an average of the four years, nearly five millions, out of which deduct 3,800,000*l.* for the ordinary peace establishment, and here was nearly five millions drawn from the sinking fund, for the purpose of carrying on the American war; in all 25 millions. Twelve millions more would, at least, be funded in the course of the present year; and if peace was to be made the next day, he believed it would not be stating it too high, to say, the tail of the war would be full eleven millions. It amounted to that sum, at the conclusion of the last war, in 1763, and was afterwards funded; so that including the unfunded debt, which was said to be little short of fifteen millions, the funded twenty; drawn from the sinking fund five millions; the loan to be funded this year, twelve millions; the tail of the war eleven millions; the whole would be about 63 millions, which added to the national debt of 135 millions, would make the whole of the national debt, funded and unfunded, the last day of Dec. 1780, 198 millions. The interest of the national debt, as it stood in 1775, was 4,400,000*l.* per annum, the interest of 63 millions of new debt, at 6 per cent. upon an average, is about 3,800,000*l.* both making an annual interest, growing and payable, and for which the whole landed property of England was mortgaged, of upwards of eight millions. Such would be the state of this country, in respect of its finances, at the close of the next year; and only better by twelve millions, if peace was concluded the very instant he was speaking.

France had borrowed last year about 1,700,000*l.* and this year about 2,000,000*l.* sterling; nor would there be a single tax upon the people to defray the interest of either loan. Mr. Neckar had, by savings, arising from a reform in the collection and expenditure of the finances of that country, raised a fund more than sufficient to pay the interest. Thus, while our inveterate enemy was adopting the wise system of œconomy, this country was daily plunging deeper into boundless extravagance. The military now in pay was increased so greatly, that it was such as he would be bold to say, no country in Europe could long uphold. The estimates in the other House were upwards of 180,000 men, in-

cluding the artillery; besides 85,000 seamen and marines; and the troops on the Irish establishment, making, in the whole, 273,000 men. It was well worthy their lordships' attention to see how this immense force was now distributed and employed in the several parts of the empire; 70,000 in America, engaged in a defensive war; 12,000 in the West Indies, acting likewise on the defensive; 11,000 garrisoning the Mediterranean fortresses, and the remainder within the island, which amounted to upwards of 90,000, for its defence.

The public expenditure, he said, was lavish and wasteful, to a shameful degree. Economy, the most rigid and exact economy, was become absolutely necessary. An attention to the never-failing source of wealth, was the only possible means for working national salvation. The motion he had to make would fully express his own sentiments. Its main purport was a reduction of the civil list expenditure, which was, by a grant of parliament two or three years since, augmented to the enormous sum of 900,000*l.* per annum. He protested that he did not wish to abridge his Majesty of any thing which was necessary to support the splendour and dignity of the crown; but at so trying a season as this was, it was always in his opinion, necessary that the example should be set by the sovereign; and he did not think after such a beginning, that there was one of their lordships, who would not cheerfully relinquish such a part of their public emoluments, as his Majesty might think proper to recommend. His grace concluded with moving, "That an humble Address be presented to his Majesty, to beseech his Majesty to reflect on the manifold distresses and difficulties, in which this country is involved, too deeply felt to stand in need of enumeration.—To represent, that amidst the many and various matters that require reformation, and must undergo correction, before this country can rise superior to its powerful enemies; the waste of public treasure requires instant remedy; that profusion is not vigour; and that it is become indispensably necessary to adopt that true œconomy, which, by reforming all useless expences, creates confidence in government, gives energy to its exertions, and provides the means for their continuance.—Humbly to submit to his Majesty, that a considerable reduction of the Civil List would be an example well worthy his Majesty's paternal affec-

tion for his people, and his own dignity, would not fail of diffusing its influence through every department of the state, and would add true lustre to his crown, from the grateful feelings of a distressed people.—To assure his Majesty, that this House will readily concur in promoting so desirable a purpose, and any one of its members will cheerfully submit to such reduction of emolument, in any office he may hold, as his Majesty, in his royal wisdom, may think proper to make."

Lord *Stormont* said, the state of this country might be summed up in a very few words; the noble duke who made the motion, stated it as part of the grounds of his motion; we were involved in a dangerous and expensive war, and obliged to contend with one of the most formidable confederacies Europe ever beheld; we were compelled to enter into this war upon a principle of self-preservation; and no other alternative was left us, but to proceed to the utmost exertions, or submit to an ignominious and ruinous peace; the prime condition of which professedly would be, to consent to a dismemberment of the empire, by declaring our rebellious subjects in America, a sovereign and independent power. So far he went with the noble duke, relative to the choice Great Britain ought to make, of one evil in preference to another. His grace's motion pointed out the choice, and as an alleviation of the burdens to be incurred in prosecuting the war with vigour, recommended, in very strong terms, the immediately adopting a system of œconomy; and to shew the necessity of such a measure, stated that there had been a waste of public treasure. He acknowledged, that there had been a total want of œconomy during the present administration. He did not know that it was peculiar to the present administration, he rather looked upon it to be incident to a state of war.—He did not think it necessary, to the discussion of the question, to follow the noble duke in his financial detail; and though he meant to avoid taking any particular notice of the favourable representation made of the French finances by his grace, he was well satisfied in his own mind, that it proceeded on misinformation, and was far from presenting the true financial condition, or military strength of that country.

The Earl of *Derby* said, he had been the mover of the addition to the Civil List two years ago, and he thought it neces-

sary to say what his reasons were for thinking, that though it was proper then to increase, it would now be proper to retrench the Civil List establishment. The times were changed; the situation of the country was different; our revenue was lessened; our resources were on the decline.

Earl *Bathurst* said, he would vote against the motion, from a conviction that it could not be of any service, and that it was of an improper tendency. It was inconsistent and unjust to attempt to withdraw from his Majesty what had been so unanimously granted. It was paltry and mean to tax the salaries of the servants of the crown; as the revenue so raised would be trifling, and totally inadequate to any great purposes of national expenditure. If such a measure should be adopted, let it be as in Holland once, when money was given in to the public treasury without account. If a system of œconomy was to be adopted it should not begin at the crown, the splendour of which should be maintained by an ample revenue for the honour and dignity of the empire; œconomy should be found in the disposal of public money in the several departments of government; this should be carefully looked into, and he trusted that they would prove, as the Admiralty did, prudently and wisely administered. The trifling amount of the retrenchment, proposed by the noble duke, would be as a drop in the ocean, compared to the public necessities; yet if the example was made general, he had no objection. But while he disapproved of the motion, he could not avoid saying, he most heartily wished, that a more clear and satisfactory manner was adopted in stating the public accounts.

Lord *Onslow* said the question was this; are we to publish to the world, that we are so reduced as to be unable to pay the income we so freely granted his Majesty? Such a proceeding must sink us in the eyes of all Europe.

The Earl of *Dartmouth* remarked, that the noble duke opened his motion with so much dignity and temper, that he hoped it would have been entitled to his concurrence. He was, however, much disappointed to find so inadequate a mode pointed out, to extricate us from our present difficulties; he moreover thought it a censure upon the proceedings of that House. He wished to see the splendour and dignity of the crown supported; and imagined every member of that House

beheld with satisfaction the increase of his Majesty's family, and consequently the greater necessity of an ample revenue.

The Duke of *Grafton* said, that the only possible objection which could arise in his mind to the motion, was, that it did not originate from the throne, as it would have come from no quarter with such propriety. It would be considered as an act of the greatest goodness and wisdom, and would be looked upon, as coming from the father of his people. Surely, if the King had any real friends about him, they would have suggested such a plan, as the most effectual means of conciliating the love of all ranks, uniting his people, and restoring the lost energy of the empire. No man wished more than he did to see the splendour of the crown supported with dignity, nor that his Majesty should enjoy every elegance and convenience of life, suited to his elevated station. He knew he could grant a considerable deduction from the civil list; queen Anne had done it, in a war far different from the present; and her civil list was lower than that of his present Majesty, in the annual sum of 300,000*l*.

The Marquis of *Rockingham* said, that all temporising expedients to relieve the people would prove ineffectual; that a reformation of the constitution was called for; that its principles were perverted; and that until it was restored to its original purity, nothing great or decisive could be expected. He said he had observed, with deep concern, the influence of the crown for some years increasing; that the augmentation to the civil list in a great measure confirmed it, as was evident by the continual majorities always obtained in that House, upon any question the minister wished to carry. He said that if he was a member of the cabinet, he would acquaint his sovereign boldly with the state of his people.

Lord *Townshend* gave his concurrence to the motion, provided it extended to all places under government: he said he knew it was what the people expected; that all ranks felt the general calamity, and expected relief. Whatever were the emoluments of his place, he would cheerfully give them up for the good of his country.

The Duke of *Richmond* said, that there were certain cases in which any deduction from a pension was highly improper; that those settled upon persons who had wasted fortunes in the service of their

country should be deemed sacred; that the Pelhams, the Walpoles, and the Pitts, were names to be remembered with too much gratitude to be included. He meant his motion more as an example, and coming from the throne, its influence must have most weight; as a proof of the influence of a great example, he related from the history of America, the well-known story of Montezuma; a poor wretch who was expiring by him on burning coals, complaining of his agony, Montezuma silenced him at once by this reply, "Do you think I am upon a bed of roses?"

The *Lord Chancellor* considered the two first paragraphs of the motion as merely introductory; it would nevertheless be right to see whether the facts stated in those paragraphs were either true, or so known to their lordships, that it would become that House to admit them as a part of an address to the throne. The first beseeched his Majesty to reflect on the " manifold distresses and difficulties in which this nation was involved, too deeply felt to stand in need of enumeration." His lordship asked, who knew of these distresses? How were they before the House? What investigation of their lordships were they the result of? The next paragraph stated, that "the waste of public treasure required instant remedy." This was an assertion of some importance, and not surely to be hazarded on mere speculation. If the fact were so, the department of government ought surely to be pointed out, in which the waste lay, otherwise the charge was unjust, because it applied to all public offices alike. If the fact were not true, the injustice was still greater. In the course of the debate some offices have been talked of, and their economy, or their extravagance and profusion, differently held up by different noble lords; but though the Admiralty-office in particular, with one or two others, had been treated of, no specific declaration that there was a waste of the public treasure in either of them, was laid down as a fact capable of being proved; and that being the case, he submitted it to the House, how far it was decent, how far it was just, to vote an address, which in any part of it contained a general and undefined charge against the King's servants.—His lordship next considered the two latter propositions, which he termed the substance of the motion; the first, advising his Majesty to make "a considerable reduction of his civil list;"

the other, assuring his Majesty that every member of that House would cheerfully submit to such reduction of emolument in any office he may hold, as his Majesty, in his royal wisdom, might think proper to make. The former of these two, even were it practicable or proper to make any reduction in the civil list, was so worded, and it strewed such difficulties in the way of its execution, that it was impossible for any minister to advise his Majesty upon the subject. It stated a considerable reduction. Let noble lords reflect a moment on the import of the word "considerable." What did it mean? It had no limited sense. In the common acceptance of it, it was held to convey a large idea. Was a moiety of the civil list the considerable part alluded to? Were two-thirds of it? Was one-third of it? For to each would the word be equally applicable. What minister could, under such a direction, venture to give his Majesty any counsel, or explain to him what the House desired? Again, let noble lords consider, that if the motion were carried, it could not enforce the advice. It was no act of parliament. His Majesty's civil list was established at its present amount by act of parliament. Besides, what part of the civil list was the reduction desired by the motion to be made in? Their lordships all knew, that many different establishments were provided for out of the revenue of the civil list, with the payment of which his Majesty had no more personal connection or interference, than their lordships.—With regard to the last proposition, how was that to be carried into execution? He supposed by the assurance it contained, that "the House would readily concur in promoting so desirable a purpose;" it was meant that his Majesty should understand they were willing to follow up the Address by proceeding to pass an act, authorising the purposes now avowed. But how would their lordships come at the true source of each species of official emolument? They would please to recollect to what an extensive investigation the business would necessarily lead them; they must go through an enquiry of a very deep and intricate sort, into the origin of all the exchequer places and profits, and would have to search into a variety of offices, and a variety of perquisites, that had no immediate reference to the civil list or the court. He declared he saw no probability of their lordships being able to go through so immense and

so difficult a business, with sufficient effect to remedy the evil, if such it were, or to assist the public by lessening the emoluments of private individuals employed in various situations, and paid out of the public purse.—His lordship endeavoured to shew that the object of the address, if the words and language of the motion fairly avowed it, was both inexpedient and impracticable; if it were meant only as another means of turning out the ministry, he delivered it as his opinion, that it would be more fair and honourable to come forward in a more explicit and direct manner. He concluded, with summing up his separate objections against the four distinct parts of the motion, declaring, that he was prepared to give the motion and each distinct and separate part of it, a general, or particular negative.

The Earl of *Shelburne* said, that notwithstanding the general weight and authority with which every thing came from the noble and learned lord on the woolsack, he did not despair of convincing his lordship before he sat down, that his objections to the motion were totally unfounded, and he even hoped to be able to make a convert of him, for that night at least, and to gain his vote in support of the motion. Indeed, the task he had undertaken was not a very arduous one, for the noble and learned lord's arguments were so loose and so flimsy, that they were easily answered. His lordship then proceeded to meet the noble and learned lord's objections, in the order of arrangement he had produced them; and first with regard to the assertion in the introductory paragraph, "that this kingdom laboured under manifold distresses and difficulties." He said, if the noble lord was ignorant of that fact, he was the only man in the kingdom who was yet to learn it. Our calamities, our distresses, our disgraces, were so numerous and so notorious, that it was altogether unnecessary to recapitulate them. They had rendered this country despicable in the eyes of our avowed enemies, as well as of those who had not declared themselves such. So earnest, however, was he to get the noble lord's vote, that he would undertake the whole paragraph should be left out, if that would remove his scruples. With regard to his second objection, the waste of the public treasure, he said, there again the noble lord was the only ignorant man in the kingdom. It was a fact, which had not only been asserted by the noble lords who supported the motion, but

had been admitted by all sides of the House; still, however, so anxious was he to satisfy the noble lord, that he would also undertake that that whole paragraph should likewise be crossed out, for he dared venture to answer for the noble duke, with whom he acted in the fullest manner, and with the most cordial union.

His lordship then said, that supposing those two paragraphs to be omitted, the motion would be confined to the main substance of it, viz. the request to his Majesty to become an example of œconomy, by a reduction of his civil list, and the assurance that they, as lords of parliament, would follow the example, and thus begin a constitutional reformation, without which this country could not be saved. With regard to the objection the learned lord had made, that there was no specific request as to the quantum of the civil list to be reduced, he did not expect to hear that urged as an objection. On the contrary, he had flattered himself that the handsome manner of submitting it altogether to his Majesty and his ministers, would have been the very circumstance that would have recommended it to his lordship's approbation. The learned lord had said, how are his Majesty's ministers to advise him to begin the reduction? He was amazed at the question. In answer, he must say, not, as had been hinted, in his own personal expenditure, he did not desire to curtail his Majesty of any one of his enjoyments. If he had a picture or a statue more valuable than the rest, he should be well pleased to see it in the palace of his prince, whose happiness and whose splendour he was far from wishing to abridge in the smallest instance. There were, however, several heads of expenditure of the civil list, which loudly called for a reform; he would tell the learned lord more than one: and here he could not but feel himself astonished, that the new secretary of state should have talked, as if he knew not, where there wanted œconomy now more than formerly. The noble viscount must be aware that the money paid for foreign embassies was enormously swelled indeed. In the reign of king William, an æra so glorious, that every man who loved his country regarded it with admiration, the expence of foreign embassies was about 43,000*l.* and now it was swelled to the extravagant sum of 90,000*l.* Ambassadors then did their duty; secretaries of state did their duty; they understood each other; they did not

come down to parliament amusing the House with idle accounts of what one did abroad, and how the other received it at home; but all went as it should do: this country flourished, she had powerful alliances, she was not deserted by all Europe, her name was dreaded, her flag revered, and she was treated with universal respect and admiration. The noble viscount had himself been long abroad; he did not doubt he had done his duty in his various embassies. He had not been inattentive, when Poland was dividing, to form connections for the future interest of his country; when the war between Russia and the Porte was on foot, he did not doubt the noble viscount had taken care to sow the seeds of alliances for this day; at Vienna he presumed he had done the same, and that now he was high in office, if they were not yet come, treaties offering assistance would be sent to him from various quarters, and his country would now reap the benefit of his services, and be amply repaid for the vast sums of the public money which the noble viscount had received.

Secret service money was another branch of the public expenditure, drawn from the civil list, which called for immediate reformation. This article of late years had swelled to a most enormous bulk. The highest year of the late glorious war, under the counsels and auspices of a Pitt, it had never exceeded 237,000*l.* whereas by the last accounts, it was nearly approaching to 280,000*l.*; at a time too, when perhaps this country was better informed of what was passing in foreign courts, than at any precedent or subsequent period of our history. But what was the case at present? Ministers knew nothing; they were totally in the dark, or received information merely to deceive them, and those they employed at foreign courts. The admirals complained, the generals complained, that either ministers had no intelligence, or that it was such as only served to mislead them. They had been explicit and uniform in their declarations, and imputed the disasters which had happened in the course of the present war chiefly to a want of proper intelligence.

He made no doubt but the noble viscount, when in a public character, proved himself a faithful steward of the public money. He was persuaded, however unfortunate he might be not to procure credit from his present colleagues to the communications he made from time to time,

that he always obtained the earliest and most authentic information. Money thus spent, was well laid out. He learned the intentions of France, the intrigues of the Congress delegates, and the various tempers of the court of Versailles, he made no doubt, as soon as they had existence; yet however highly he might think of the noble viscount's integrity and abilities, about his œconomy respecting the public money committed to his disposal, there were strange reports gone abroad, that money had been squandered; that the intelligence procured, and he presumed amply paid for, was in fact no intelligence; that spies were placed about his lordship's person, to deceive and betray him; and that no intelligence was much preferable to that of a fabricated and spurious nature.

His lordship then took a wide field relative to the army extraordinaries, contracts, contractors, and the shameful waste of money voted every year, under that head. The last year the army extraordinaries had amounted to upwards of three millions, and it was but reasonable to conclude that they would be at least as high the present. He spoke then of Mr. Atkinson's rum, and other contracts, and a variety of particulars respecting the whole contracting tribe. He, said, that he had moved towards the close of the last session, for an account of the extraordinaries of the four last years; but was prevented by the lateness of the season from taking the papers off the table in order to frame a motion on them. He had not however relinquished his intention; for if the present motion should receive a negative, he would most assuredly make the consideration of the army extraordinaries the subject of some future day's discussion.

The question being put, the House divided: Contents 33, Proxies 3—36. Not contents 57, Proxies 20 :—77.

List of the Minority.

DUKES.	Ferrers
Devonshire	Fitzwilliam
Bolton	Harcourt
Grafton	Jersey
Manchester	Radnor
Portland	Spencer
Richmond.	Derby
MARQUIS	Shelburne.
Rockingham.	VISCOUNTS.
EARLS.	Hereford
Abingdon	Courtenay
Cholmondeley	Townshend
Coventry	Say and Sele.
Efingham	LORDS.
Egremont	Beaulieu

Craven
King
Paget
Ponsonby
Ravensworth

St. John.
BISHOPS.
St. Asaph
Peterborough.

Petition from the Freeholders of Middlesex for a Bill to secure the Rights of Electors, &c.] Dec. 10. Mr. Wood presented a Petition from the freeholders of the county of Middlesex, setting forth,

"That your petitioners, in justice to themselves and the electors of Great Britain, are constrained to lay before this House, their complaint of an injury which has been offered to one of their most essential and undoubted rights.—The minister, affecting a regard for the peace and quiet of this county, on the death of our late worthy representative (a pretence which his former conduct, in more than one instance, had flatly contradicted) by the secret promise of a nominal place to one of the members of this House, for the purpose of vacating his seat in parliament, brought forward a candidate, in direct opposition to our declared wishes; and, by an open and avowed refusal of the same privilege to the person whom we were known to have preferred, has robbed us of the means effectually of preserving that peace.—The event of the contest hath clearly shewn to whom the credit of promoting that desirable object is really due, and who, with views not the most justifiable, must truly be considered as the enemy of our peace, honour, and independence. If we have so far acquiesced in this injury, as not to press our preference to the utmost, by returning to this House the first object of our choice, under these circumstances of reputed ineligibility, it is not that we admit the justice of his exclusion, or the legality of a proceeding so conducted; but because experience hath taught us not to risk the decision of a substantial right on a question collaterally arising from the subject of our complaint; and we conceived it to be more becoming the dignity of our case, as well as more respectful to this House, to prefer a direct and formal charge against the minister himself, lord North, for a wanton and arbitrary abuse of powers, which, if not wholly usurped, have, in this, and many other instances of the like nature, been exercised, to the utter subversion of all free election. As if the wrong which we have sustained were not sufficient, insult has been added to injury; and Mr. Tuff-

nell, whose offer of services to us, by his own mode of reasoning, could be supported only on the absolute resignation of his former seat, is still, and has constantly continued the legal and unimpeached member for Beverley. By this pretended vacancy, thus clandestinely attempted, confessedly incomplete, and therefore not notified to the electors in any usual form, we have been deprived of the exercise of a most valuable franchise; and have been saved from becoming the dupes of this unwarrantable combination only by the spirit of the freeholders, and the disinterestedness of the worthy gentleman whom we have returned. In complaining of this complicated grievance, we presume not to dispute any prerogative which the crown may justly exercise; but we cannot, without the highest indignation, see a minister avowedly assume to himself a right of discharging from the service of his constituents, any member whom he may please to favour, and of deciding who shall offer themselves to the electors for their choice. It is unnecessary to observe, that the act of the 6th of queen Anne was passed by men jealous of the power of the crown, to preserve the fidelity of the representative to his constituents; and that it is from an abuse and perversion of that act, that the power claimed by the minister to vacate seats in parliament is derived. The invasion of our rights is direct, the consequence arising from it plain and indisputable; if any power on earth can dictate to our choice, and prescribe who shall, and who shall not, become candidates to represent us in parliament, we may talk of our rights, and take a pride in our freedom, but, in fact, we have none. To this evil, at all times intolerable, circumstances of extreme aggravation, in the present instance, have been added. It is not necessary to refer to other evidence than to the Journals of this House, to shew the calamitous situation to which this country is reduced; and it requires little proof that the wisdom of a parliament alone, freely chosen, and acting without influence, can relieve us from that situation. But so miserable is our condition, and so contemptuously have we been treated, that the same person in whose administration we have suffered losses the most unparalleled, by preventing the operation of this only remedy which, under Heaven, can save us from utter ruin, has contributed to increase and to perpetuate our distress. To this House, therefore, which claims

the exclusive cognizance of all matters affecting the rights of the electors of Great Britain, we appeal for justice; and most earnestly pray and expect, that some permanent law may be provided for the effectual security of those rights; that some known, certain and equal rule may be established, for vacating the seats of members chosen to represent the people in parliament; and that an immediate and thorough enquiry may be instituted into the true cause of those misfortunes which have reduced this once powerful and flourishing empire to a state which words cannot describe, and of which history affords no example."

Mr. Wood then moved, "that leave be given to bring in a Bill to enable Members of the House of Commons to be eligible to serve in parliament for any other county, city, borough, town, or place."

Mr. Wilkes seconded the motion.

Mr. Tuffnell said the petition was erroneous in many assertions: the minister had not secretly promised him the Chiltern Hundreds.

Mr. T. Townshend said, that on the application of Mr. Byng to the noble lord, he had told him, that he had given his promise to the other candidate, but he would wait the result of the county meeting, called by justice Wilmot of the Tower hamlets. At this meeting Mr. Byng was preferred, and yet his lordship denied the requisition both of that hon. gentleman and the county at large. He called to the recollection of the House, the various pretences on which the noble lord granted and withheld the Chiltern Hundreds, as it answered the occasions. And as a proof that he was guilty of abuse of the power lodged in his hands, he stated an anecdote which he had received from pretty good authority, but which the noble lord would deny if it was not true. When a gentleman and member of that House, who was now a peer of the realm (lord Foley) had an inclination to vacate his seat, and stand for the county of Hereford, which his family had often represented, the minister had informed a noble lord, his relation (lord Harrington) who intended to appoint him agent to his troop of horse-grenadiers, that if he did so, he would take the regiment from him. The hon. gentleman had said, that he truly believed he should have succeeded in his election if he had stood the poll.

Lord North said he would not object to the motion. The privilege vested in

the Chancellor of the Exchequer was a very disagreeable one; he wished parliament to provide some expedient of equality; but the Bill intended to be brought in would deserve the serious attention of the House. He explained his conduct with respect to the Middlesex election, and said, that having received a letter from Mr. Tuffnell, desiring the Chiltern Hundreds, he told him that no other person had applied, and consequently he should have it.

Mr. Byng gave an account of the treatment he had met with from Mr. Tuffnell; that gentleman was the first who had given him encouragement, and he was astonished to find his first opposition in the person of that gentleman. He told him at that meeting, that he was prepared to oppose power, but not him. He informed the House that the petition now on their table was signed only by the temperate. The greatest part of the county had rejected the idea of petitioning the House. They had conceived it to be an useless attempt; and their attention to the present petition could only perhaps prevent the freeholders from coming to the House with other instruments than parchment. He enumerated several instances of the most abominable abuse that had taken place in this election; and in particular he stated, that Field, who was under condemnation for coining, wrote to a certain person that he had it in his power to provide fifteen votes. On this foundation he received a respite, and the poor woman who was under sentence for the same crime, not having the same species of interest, was burnt.

The motion passed unanimously.

Complaint against the Duke of Chandos for concerning himself in the Southampton Election. Mr. Temple Luttrell observed, that notwithstanding the members were upon the point of retiring, the matter he had to open was so much of a piece with what had been already done, that he could not omit the opportunity he had of stating it. What he meant to point the attention of the members to, was the great and undue influence used in the election of members of parliament, and which was now practised more than ever, in direct defiance of the principles of the constitution, and of those resolutions of the House made for its support. The county of Southampton afforded a damning proof. Every dock-yard, both public and private,

was under the controul of government, and every elector would at the ensuing election be dragged to Winchester, to ensure a return of the ministerial candidate. He concluded with moving, "That it is highly criminal in any minister, or ministers, or other servants under the crown of Great Britain, directly or indirectly, to use the powers of office in the election of representatives to serve in parliament, and an attempt at such influence, will at all times be resented by this House, as aimed at its own honour, dignity, and independence; as an infringement of the dearest rights of every subject throughout the empire, and tending to sap the basis of this free and happy constitution."

Mr. *Wilkes* seconded the motion, and said he could venture to confirm all the hon. member had stated, and particularly his representation of an undue influence in the county of Southampton, for he had at that very instant a letter in the handwriting of a noble peer, the duke of Chandos, lord lieutenant of that county, and sent by his grace to a person qualified to vote at the ensuing election.

Lord *North* thought it rather unfair that a business of such consequence should be brought on at the end of a debate, and was of opinion, that the interference of a lord lieutenant, in elections of members of parliament, was not a matter, in his opinion, that ought to alarm the House as a breach of privilege. [The cry of Hear, hear! ran through the House at this expression, and it was some minutes before the tumult subsided.] His lordship upon this endeavoured to explain away the force of the passage, by observing, that any nobleman being lord lieutenant of a county, might surely exert his interest at an election for a member of parliament as well as any other peer, though not as lord lieutenant. He might not use his influence, indeed, as being at the head of the militia, or through his power with the clerk of the peace; that would, he was free to admit, be highly unconstitutional; but that his situation as a lord lieutenant was not to stand in the way of his making use of his family and landed interest, he was not ashamed to insist upon as a matter perfectly agreeable to the constitution: that lord lieutenants might interfere in such elections was very evident, or how happened it that lord lieutenants were themselves frequently chosen members of parliament?

The motion was agreed to: after which

Mr. *Wilkes* moved, "That the Letter written by the duke of Chandos should be referred to the committee of privileges;" which was agreed to.

Debate in the Commons on Lord North's Propositions for the Relief of the Trade of Ireland. Dec. 13. The House went into a committee on the Affairs of Ireland, the earl of Drogheda in the chair.

Lord *North* opened his three propositions relative to the allowing Ireland a free export of her wool, woollens, and wool flocks; a free exportation of glass, and all kinds of glass manufactures; and a freedom of trade with the British plantations on certain conditions, the basis of which was to be an equality of taxes and customs, upon an equal and unrestrained trade. To demonstrate the matter of right, as well as favour, he stated the two following propositions: first, that Ireland had a free and unlimited right to trade with the whole world: secondly, that Ireland did not, nor could not, pretend to claim any right, directly or co-relatively, with any part of the British colonies or plantations. Every person in both kingdoms must instantly give an universal assent to the latter proposition. It was not his wish on the present occasion, to enter into the discussion of the former, or debate points merely speculative: so much, however, he could hazard, that mixing the broad claim of a free and unrestrained trade, and qualifying it with the advantage derivable from a connection with Great Britain, it would not be too much to say, that although the claim was with Ireland, the option of a connection with this country, and a participation of commercial interests was clearly in favour of the latter, in preference to any ideal or remote benefits, which might be drawn in future from what by some was understood, perhaps very erroneously, to be included in the undefined terms of a free trade. He would even go further, and affirm from every thing he could learn, that the people of the first rank and consequence in that kingdom perfectly met his opinion on the subject, and that their own good sense led them to make the estimate, and wisely determine on the choice.

He said, it was both the interest and inclination of Ireland to stand well with England; that on the idea of such a natural and political connection, they had been rather harshly and impolitically treated. Before the Restoration they en-

joyed every commercial advantage and benefit in common with England. The commerce, import and export, was held in common by both kingdoms, till the reign of Charles the 2nd. Even the Act of Navigation, the great foundation of our plantation laws, put England and Ireland upon exact terms of equality; nor was it till two years after that the first commercial restriction was laid on Ireland, and that not directly, but by a side wind, and by deductive interpretation. When the Act first passed, there was a general governing clause, for giving bonds to perform the conditions of the Act; but when the Act was amended, in the 15th Charles 2, the word Ireland was omitted, whence a conclusion was drawn, that the Acts of the two preceding parliaments, 12th, 13th, and 14th Charles 2, were thereby repealed, though it was as clearly expressed in those Acts as it was possible for words to convey, that ships built in Ireland, navigated with the people thereof, were deemed British, and qualified to trade to and from the British plantations, and that ships built in Ireland, and navigated with his Majesty's subjects of Ireland, were entitled to the same abatements and privileges to which importers and exporters of goods in British built ships were entitled by the book of rates. Ireland was, however, omitted in the manner he had already mentioned. The giving bond being omitted in the Act of the 15th of the same king, the very condition which was to give it a general operation, namely, confining the liberty to trade only with Great Britain and Ireland, and vesting the power in Ireland to trade with the colonies on the same footing as England, having been left out, Ireland was thereby as much excluded from trading with the British colonies as France, Spain, or any other strange nation, in the way of a direct export or import trade, except in a few instances, which were by subsequent Acts declared exceptions to the general rule, such as the export of servants, horses, and victual; and in the reign of king William, of linen, and some few enumerated articles since that period.

There were anecdotes still extant, relative to the real causes of those harsh and restrictive laws. They were supposed to have originated in a dislike or jealousy of the growing power of the then duke of Ormond, who, from his great estate and possessions in Ireland, was supposed to have a personal interest in the prosperity

of that kingdom. Indeed, so far was this spirit carried; whether from personal enmity to the duke of Ormond, from narrow prejudices, or a blind policy, that the parliament of England passed a law to prohibit the importation of Irish lean cattle.

The wool export and woollen manufacture still remained in the possession of Ireland to restore, which was the object of his present motion. In 1692, from jealousy, or some other motive, the two Houses of the English parliament addressed the crown, recommending a kind of compact between both kingdoms; the terms of which were, that England should enjoy the woollen manufacture exclusively, and Ireland the linen. Yet however solemnly this compact was observed by the latter kingdom, the truth was, that England carried on the linen manufacture to full as great an extent as Ireland, while the monopoly of the woollens remained totally with England. The first step Ireland took in consequence of this compact, was to lay an export duty upon wool and woollens of all kinds equal to a prohibition; and when the Act expired, for it was but a temporary one by way of experiment, the British parliament, without consulting that of Ireland, by the 10th and 11th William 3, passed a similar Act, and made it perpetual. That was the Act that at once put an end to the woollen trade of Ireland. The next Act was a law of the 5th Geo. 1; the next the 5th and the 12th of the late king, which last went so far even as to prohibit the export of a kind of woollen manufacture called waddings, and one or two other articles excepted out of the 10th and 11th of William; but these three last Acts swept every thing before them.

His lordship next proceeded to state some facts relative to the trade of that country. He said, upon an average of the six years from 1766 to 1772, the export to Ireland was somewhat more than two millions; and in the succeeding six years, ending in 1778, about as much more, one half nearly British manufacture or produce, the other half certificated articles, of which this country was the medium of conveyance. Out of the native produce, which was something more than 900,000*l.* per annum, on the average, only 200,000*l.* were woollens; so that in this light, supposing every thing that any man could wish to conclude from the fact, he submitted, whether it would be sound policy to risk a million export of native produce for a woollen export of 200,000*l.*

Another consideration was, that Ireland, when restored to good humour, joined with motives of common interest, as she had always hitherto proved, would continue to be the best customer this country has. The woollen manufacture must for a very long time indeed continue in a state of infancy; and though cloths had been manufactured sufficient to answer a considerable part of the home consumption, yet it could be hardly expected, that Ireland would be able to rival Great Britain at the foreign markets, when, after the expence of land-carriage, freight, insurance, factorage, &c. she was able to under-sell Ireland in her own markets on the very spot, though aided by the advantage of low wages and taxes.

He then turned to reconsider the state of the linen trade, which, however prosperous it might appear, [was still capable of great improvement. It was a pamphlet written by the celebrated sir William Temple, that first suggested the idea of extending and improving the linen manufacture of Ireland, and gave rise to the compact which he had alluded to. It was an opinion which prevailed with many, he believed, that as the compact was now to be dissolved, should the Irish be permitted to enjoy a free export of woollens, that the bounties paid on the importation into England of certain species of fabrics of Irish linens, ought to be discontinued. In this he should differ greatly from gentlemen who might reason in that manner, and he would support his difference of opinion by the following authentic documents which he had in his hand. From hence it appeared, the number of yards of linen manufactured for foreign consumption, or exported in 1751, was twelve millions; the next year the British bounty was discontinued, and it fell to ten millions; in 1756 it was no higher than eleven millions; and in the next year, 1757, when the bounties were again granted, the number of yards entered for exportation suddenly rose to fifteen millions, and so continued to increase for several years so high, he believed, within a period of fifteen years (1771) as to twenty-five millions of yards. This was sufficient ground for him to conclude, that the British bounty operated as a great encouragement. It was not a large sum that was appropriated for this purpose, the whole not being, in the highest year, above 13,000*l.* or thereabouts.

His lordship proceeded to demonstrate,

that Great Britain had nothing to dread in point of rivalry in the woollen branch, for that when there was a proper demand for wool in Ireland, it bore a much higher price than in England; so that as we should continue to have the superiority over the Irish in the fine fabrics, in the low ones the enhanced price of the raw material would be a great impediment in their way: not that he thought but Ireland might, in some articles which would not interfere with England, reap great advantage from the liberty proposed to be given by the present resolution. He stated that till lately the Irish wool had been progressively on the rise from 10 to 12, and so on as high as 18 shillings the stone of 14*lb.* whereas the wool in England had been sold at the double stone of 28*lb.* or the tod at about 20 shillings, or 10 shillings the stone: when, however, wool bore a very low price in Ireland, which he understood it did at present, being so low as 10, 9, or even 8 shillings the stone, it would encourage the people to manufacture it, and the more particularly so now, as they would have a market.

After making a number of miscellaneous observations, to shew that Ireland had relinquished her woollen trade and woollen manufacture, upon the conditions of a compact made *bonâ fide* between both kingdoms; that the compact had been broken, if not had at least been strictly adhered to by the parliament of Great Britain, that Ireland would never be able to rival England in the fine woollen fabrics; that Ireland manufacturing her own wool would prevent the contraband export of the raw material to France; that the woollen export, laying it down on the largest scale, was not more than the fifth of the native produce of this kingdom exported annually to Ireland; that a manufacture of the ordinary woollen fabrics of Ireland would not affect that of Great Britain; that whatever was a benefit to Ireland must, sooner or later, be of singular advantage to Great Britain. He concluded this part of his speech by moving the following Resolution: "That it is expedient to repeal so much of any of the laws of Great Britain, as prohibit the exportation from the kingdom of Ireland, of all woollen manufactures whatsoever, or manufactures made up, or mixed with, wool or wool flocks."

His lordship said, should the committee agree to the resolution, and the House on the report confirm the sense of the com-

mittee, he meant to move for leave to bring in a Bill pursuant to the said resolution, and likewise for the repeal of such parts of the several acts of the British parliament, as laid any restriction on the export of wool, woollen goods, flocks, &c. When this Bill should pass into a law, there would of course be an end of the compact between England and Ireland, respecting the woollen and linen manufactures; but he trusted, as a more liberal spirit had manifested itself on both sides of the water, that both kingdoms would be perfectly contented. He was satisfied, that the measure would be productive of mutual advantage; the commercial interest would be put upon a more equitable and solid footing, and as an act of policy as well as benefit, he had no doubt, but the individual advantage accruing to either, would terminate in the wished for point of union, the good of the whole.

The next matter he wished to submit to the committee, was the predicament Ireland stood in respecting the glass manufacture. Previous to the 19th Geo. 2, Ireland imported glass from other countries, and at length began to make some progress in the lower branches of the manufacture herself. By the act alluded to, however, the Irish were prohibited from importing any kind of glass, other than the manufacture of Great Britain; and in sect. 21 of that act, a most extraordinary clause was inserted. It not only ordained that no glass, the manufacture of that kingdom, should be exported; but it was penned with so much severe precision, that no glass of the manufacture of Ireland was to be exported, or so much as to be laden on any horse or carriage, with intent to be so exported. This was a very extraordinary stretch of the legislative power of Great Britain, considering the smallness of the object. This act was much, very much, complained of in Ireland, and apparently with great justice, both as to the principle and the effect. It was an article of general use in Ireland. The manufacturers of glass there, when thus restrained both as to the export and import, could not pretend to vie with the British; the consequence of which was, that the latter having the whole trade to themselves, fixed the price of the commodity as they liked. He was aware that this was a concession of no great consequence, nor to be put in comparison with the benefit to be derived from the woollen export; but it was still a hardship, and one of a very singular nature, and the

proposition which he meant to move would at least, indicate an inclination to remove every thing which bore the most distant appearance of prejudice, oppression, or self-interest, arising from a spirit of monopoly and commercial exclusion.

Some gentlemen might think, that the repeal of the law alluded to might materially affect the British glass manufacture, but this he could hardly believe; for besides the general disadvantages an infant manufacture had to struggle with, there was at least one native one, which was strongly in disfavour of Ireland. That was, the great scarcity of fuel: coals were much more plenty, so was wood, in England than Ireland. Sand, he presumed, might be easily had here or there; and he knew nothing which Ireland had to balance against the cheapness and plenty of fuel here, but merely another ingredient, that of kelp, and the difference of the wages; yet all circumstances considered, he did not think she would rival us in the manufacture, though she might come in for a considerable share of it.

Even allowing that Ireland should, besides her domestic consumption, make a further progress, and begin to export, he did not see any good ground for that being an objection against the resolution he intended to move. Ireland might make glass a very beneficial branch of manufacture and commerce; and as in the case of the woollens, he must continue to conclude, that whatever proved beneficial to Ireland, would prove of real advantage to England; and he was well pleased to think that, trifling as the article of glass might appear, on a cursory view, that part which would only affect the home consumption, would prove extremely beneficial to Ireland. Should the committee go with him in this opinion, he meant to include the glass in the wool export bill. His lordship moved his second Resolution, "That it is expedient to repeal so much of an Act, made in the 19th George 2, as relates to the exportation of glass, glass bottles, or glass of any denomination whatsoever, from the kingdom of Ireland."

Respecting his third proposition, that of allowing a free trade, or what he understood the words to import, an equal trade to the British colonies and plantations in America and the West Indies; the case was very different from the two he had mentioned. Ireland gave up her woollen trade by compact. The compact was an exclusive linen trade, rather a fair compe-

tion with England: Ireland, of her own accord, gave up the woollen trade, by an act of her own legislature, which, when it expired, was made perpetual, by an act of the British parliament. But this compact was no sooner made, than it was violated by England; for instead of prohibiting foreign linens, duties were laid on and necessarily collected; so far from amounting to a prohibition on the import of the Dutch, German, and East-country linen manufactures, those manufactures have been able, after having the duties imposed upon them by the British parliament, to meet, and, in some instances, to undersell Ireland both in Great Britain, the West Indies, and several other parts of the British empire. Neither did his third proposition partake of the nature of the second: the materials used in the composition of glass were of native produce, and, if having the liberty to export, they could have arrived at an excellence in the manufacture, or to import it upon terms much lower than it could be procured from Great Britain, it had every appearance of severity, as glass was not a commodity which called for commercial regulation, so far as it became a commodity of internal consumption.

He would therefore repeat, that his third proposition was very different from the two preceding; a trade with our colonies of any kind, or of any extent from Ireland, must be considered as a matter of favour to that kingdom. Considering her even as an independent state, she could set up no claim to a commercial intercourse with the British colonies. These colonies had been settled, established and raised to their present opulence by the blood, treasure and industry of Great Britain. By every principle of justice, of the law of nations, and the custom of the other powers of Europe who had settlements and distant dependencies, the mother country had an exclusive right to trade with, and to forbid all others from having any intercourse with them. Such an exclusive right was of the very essence of colonization, for what nation under the sun would spend their blood and treasure in establishing a colony and protecting and defending it in its infant state, if other nations were to reap the advantages derivable from their labour, hazard and expence?

The colony trade laws, so far as they related to Ireland, were full of restrictions, though the colony trade was open before the 15th, 22d and 23d Charles 2, in which the word Ireland was omitted: after that

period several statutes were passed, some general, others particular, to restrain and in many cases to prohibit the trade of Ireland with America and the West Indies. By the Act last mentioned of Cha. 2, 7th and 8th Wm. 3, 3d and 4th Anne, ch. 5 and 10, 8th Geo. 1, 4th Geo. 2, and 4th Geo. 3. By these several Acts, the following articles, being the growth, product or manufacture of any British plantation in Africa, Asia, or America, cannot be imported into or landed in Ireland, except they are first landed in Great Britain: viz. sugar, tobacco, cotton wool, indigo, ginger, fustic, or other dying woods, specie or Jamaica wood; rice, molasses, tar, pitch, turpentine, masts, yards and bowsprits, beaver-skins, and other furs: copper-ore, coffee, pimento, cocoa-nuts, whale-fins, raw silk, hides and skins; pot and pearl-ashes, and gum senega. But by the Acts of the 4th Geo. 2, and 7th Geo. 3, all other goods (except hops) of the growth, product or manufacture of the plantations, may be imported from thence into Ireland, in British shipping, whereof the master and three fourths of the mariners are British. By the 15th Cha. 2, and 7th Wm. 3, his lordship observed, that goods the product of Europe, cannot be imported into any British plantation unless shipped in Great Britain, and carried directly from thence in British built shipping, except salt for the fisheries, horses, and victual and linen cloth from Ireland, provisions and implements for the fisheries, clothing and accoutrements for the army, and other articles of manufacture, permitted to be exported from thence into the British plantations, by 3d and 4th Anne, 3d Geo. 1st, 15th and 18th of Geo. 3d.

His lordship enumerated several other Acts of the same tenor, directed to particular articles of import and export, all framed upon the same principle. Having laid down these premises, as the foundation on which he was to rest his intended proposition, he declared that in his opinion, it was the interest and consequently the duty of Great Britain, to do every thing in her power which might promise to advance, promote and extend the interest and commerce of Ireland, upon the broadest ground and firmest basis; and one of the most certain means of rendering that country useful to herself and truly valuable to this, would be to open new sources of commerce to her, and such as it would be impossible for Ireland to obtain without the liberality and indulgence of this coun-

try, though she had been totally an independent nation. This, he said, would prove the only wise and prudent means to afford our sister kingdom relief, and that species of relief, too, that would serve more to convince her of the sincere and affectionate desire we have to render her happy, rich, and prosperous. It would be an unequivocal proof of the candour and sincerity of Great Britain, and he made no doubt but Ireland would receive it as such, and that the whole would have an happy termination.

This he acknowledged was but a rough outline of the general plan, on the idea of an equal trade. It would demand much consideration, and require much modelling. It was a matter of infinite delicacy, would call for a great deal of detail and enquiry. Esteeming it so, he meant to throw out his proposition as a matter worthy of the attention of the Irish parliament. It might be proper to communicate with that body on the subject; and as such it would be proper to postpone any further proceeding on the proposition until after the Christmas recess, as probably by the time the resolution he meant to move, should reach Ireland, the parliament of that kingdom would be on the eve of an adjournment.

His lordship stated the comparative advantages and disadvantages that Ireland would experience, should the idea now intended to be stated be brought to maturity. If we did not open this source of commerce to Ireland, we should act unkindly towards her; on the other hand, should it be thought proper to throw open our colony trade to Ireland without accompanying the enjoyment of it with similar burthens to those which we submitted to ourselves, it would be an act of the highest injustice to Great Britain, and the rankest folly in those who should advise such a measure. He therefore was of opinion, that an equal trade in the sense he had already explained it, including an equality of taxes and duties both upon the export and import, was the only equitable ground on which the advantages to be held out by his intended resolution, could be granted or expected. The equalizing the duties, and every consequence whether relative to manufacture, trade or commerce, must necessarily lie with the Irish parliament, who from the nature of their constitution, could only lay on those taxes and duties which would bring the British and Irish commodities, upon equal terms to market.

His lordship frequently repeated, that
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the last of his three propositions, would call for great attention, modification and deliberation. There was one particular, which he begged to state, and which for aught he could perceive, would still be imported into Ireland, in the same circuitous manner it was wont to be, that was sugar. This article paid a duty of six shillings on importation into England; and at present, it could not be directly imported into Ireland from the place of growth, but was obliged by one of the acts he had recited, to be landed in Great Britain, and re-landed in Ireland. When entered for Ireland the whole of the duty was drawn back: now supposing, which was the great principle of this plan, that an equal duty was to be laid upon every commodity of the growth or produce of America, the West Indies, &c. on its importation into Ireland, the sugars brought circuitously *viâ* Great Britain, in which the whole or the greatest part of the duty was to be drawn back on its being entered upon bond, for the Irish market would come to the refiner, and consequently to the consumer, much dearer if imported directly from the place of growth, than if imported circuitously from Great Britain. He condemned local prejudices and national partialities very warmly: though under different legislatures, he maintained that Great Britain and Ireland had but one conjugal interest, and were, in the genuine sense of the phrase, but one people. He acknowledged that Great Britain ought to be no sufferer by her bounty to Ireland. The latter would, it was certain, gain much, but this country would be no loser. But even if the sister kingdom should be enabled to rival us at foreign markets, in a few commodities of native growth, cheapness of labour, and other incidental circumstances, we should not forget that Ireland formed a part of the British empire, and the only part, too, out of this island to which we could look for assistance in the moment of peril. He wished that every person who turned his thoughts to the subject, would look at it fairly, and consider it without partiality or prejudice, not upon a narrow or contracted, but upon a liberal and extensive scale. It was a duty every man owed his country, to look attentively and gravely to our present situation, and to reflect that the surplus commerce of Ireland, let it arise from the profit of which branch of trade it might, would necessarily center in the seat of empire; if not the whole, at

least much the greatest part; and might be well estimated as forming a part of the accumulating wealth of Great Britain. He hoped Ireland would learn to put the proper estimate upon what was offered to her. He, indeed, had little doubt but she would; he had heard the sentiments of several persons of weight and consequence from that country, or nearly connected with it, and he had every rational ground to hope, that the present propositions would not prove unacceptable.

By the 9th Anne, and 5th and 7th Geo. 2, his lordship observed, that no hops, but of British growth, and from Great Britain, can be imported into Ireland. By the 6th Geo. 1, it was enacted, that the duty should not be remitted here upon exportation. This duty, upon an average, amounted to about 15,000*l.* per annum. As the trade of Ireland was to be thrown open, he thought it would be proper to give an encouragement to the consumption of British hops in Ireland, by granting a drawback; for if that encouragement were given, it would amount to near 8 per cent. *ad valorem*, whereas, if the duty laid in Great Britain should be continued, it would affect the British consumption two ways; it would urge Ireland to cultivate the commodity, and to import hops from other places; whereas, if the duty was drawn back, the British hops would have a preference at the Irish market to the foreign; and hops of British growth could be purchased in Ireland, for many years, cheaper than they could possibly be raised within the country. He should therefore, on some future day, move for the repeal of the 6th Geo. 1. His lordship, after urging some other arguments in behalf of the propriety of the repeal of that law, observed, that the payment of this 15,000*l.* to England, was deemed a great hardship by Ireland; that giving it up was a matter of no great consequence to England: and as Ireland was obliged to pay this tax, though no other part of the British empire was, he thought it but fair, that Ireland should be relieved from it, for most certainly it was a tax in point of effect. His lordship enumerated several matters of favour which the present parliament had conferred on Ireland, but observed, that however well intended, they had failed in their expected effect, and by no means came up to the point of substantial relief. The restrictions on the trade of Ireland formed the great grievance, and was the source of

all the national calamities which she now felt; to that point her attention was solely fixed. Whatever opinions some persons in that country might hold respecting the defects in her constitution, or internal government, the voice of the people pointed out another object; an object more pressing in its nature, and, of course what preoccupied their minds in preference to matters merely speculative. There was no need of many proofs of the real sentiments of the Irish, they had declared them frequently, and publicly; they had been collected in the only constitutional mode, in which they could be heard and attended to, namely, by the address from the legislature of that kingdom to the crown. What these sentiments were was upon record. Nothing, they tell the crown, short of a free trade will administer relief; and what he understood by a free trade, he hoped he had sufficiently explained in the course of the evening; namely, a free and equal trade, upon condition of an equality of taxes. His lordship then moved the third Resolution: "That it is expedient to allow the trade between Ireland and the British colonies in America, and the West Indies, and the British settlements on the coast of Africa, to be carried on in like manner, and subject to the same regulations and restrictions, as it is now carried on between Great Britain and the said colonies and settlements; provided all goods and commodities of the growth, product, or manufacture of such colonies and settlements shall be made liable, by laws to be made in Ireland, to the same duties as the like goods are or may be liable to upon importation into Great Britain."

Mr. Fox said, he did not mean to enter into the discussion of the question, till the sentiments of Ireland were first known; nor should he assign his reasons, as every thing he could offer must be deemed premature, till the matter came to be considered by the Irish parliament. The particular situation of affairs had rendered it absolutely necessary to trust ministers on the present occasion; and all he could with propriety add on the subject of the noble lord's propositions, was, that the silence of the gentlemen with whom he had the honour to act, would not be understood to be founded in active approbation. He would for his part consider the resolutions, not as matters discussed, deliberated, and determined upon in parliament, but solely as composing a measure of state,

for which ministers were and would accordingly be responsible. He thought it therefore an act of candour to give this early intimation to the noble lord of the real motives for his silence; he sincerely wished, however, that Ireland might, as the noble lord had so confidently asserted, be satisfied by these concessions. His friends and he had openly given their thoughts on the subject, on a motion made by a noble friend of his (lord Ossory): that motion expressed very fully the sentiments of those with whom he had the honour to act.

The Resolutions were agreed to.

Debate in the Lords on the Earl of Shelburne's Motion relative to the Army Extraordinaries.] Dec. 15. The Earl of Shelburne rose, and entered into an ample discussion of the Extraordinaries of the Army. On the comparative proportion between the extraordinary military services of former reigns, with the present, he stated the following facts. That the extras of king William's reign, though a war was carried on in Flanders, Ireland, and the West Indies, did not exceed, in the highest year of the revolution war, 100,000*l.* That in the next, the succession war, when we maintained a war in Germany, on the banks of the Danube, in Flanders, Spain, the Mediterranean, North America, and the West Indies, the extras never exceeded 200,000*l.*; and that in the first war of the late king, that with France and Spain, more than 400,000*l.* That during the late war, the most expensive that this country knew, the extraordinaries of 1757 were but 800,000*l.* while those of 1777 were 1,200,000*l.* besides one million granted for the transport service, in all upwards of two millions. That the highest year of the late war, that of 1762, when our arms were triumphant in every quarter of the globe, when we had an army of 80,000 men in Germany, besides conquering or victorious armies in North America, the British and French West Indies, the East Indies, in Portugal, on the coast of France, at the Havannah, &c. that the whole of the extras were not more than two millions; whereas the two last defensive military campaigns would be found, when the latter of the two was made up, to amount to the enormous sum of upwards of three millions each. In 1775, he said, there was voted, though no war subsisted the preceding year in America, 80,000*l.*; a sum by some thousands

more than was voted in the highest year of the war succeeding the Revolution. In 1776, 845,000*l.* when our military operations were confined within the narrow circuit of the town of Boston, Charles-town, and Bunker's Hill. In 1777, the extras were 1,200,000*l.* besides a million and upwards for transport service; in 1778, more than three millions; and he presumed those of the present year, if not more, would not be less. In short, the very extra military sources, in the four years last mentioned, would be about 8½ millions; a sum nearly equal to the expenditure of the whole of the first four years of king William's war, and fully equal to the two first years of the great Marlborough's immortal campaigns.

He next proceeded to account particularly for the immense disproportion. His lordship observed, that during the last war we thought it necessary to employ but one contractor, though the noble lord, at the head of the Treasury, deemed it necessary to split the present contract into twelve parts, with a view, it might be presumed, to oblige twelve different friends, who would support him in his favourite measure of the American war. What were the terms of sir William Baker's contract, who was the contractor during the late war? To furnish provisions on the spot, in America, at sixpence a ration. What was the bargain with the present contractors? To deliver rations at the same price in Cork. Here, then, was the whole freight, insurance, risk, &c. taken out of the pockets of the public, and put into those of his lordship's contracting friends. Besides this, sir William was bound, by a special undertaking, to have a partner, who was to reside upon the spot, and who was obliged to have a voucher for every single ration he delivered, before his account could be passed.

After entering into a very minute comparative estimate of the conditions of the two contracts, and demonstrating and pledging himself to prove that every ration delivered in America cost government 2*s.* instead of sixpence, which they cost the last war, he enumerated several expences, which were incurred in addition, though totally unknown at the former period. Among others, a Mr. Gordon at Cork, who charged the sum of 40,000*l.* for his particular services. He presumed, if any pretended service was done for this money, for none appeared on the face of the account, it must be something between

the delivery of the provisions by the merchant contractor, and the shipping of them. Here the minister was not contented to gratify his friends in receiving goods which should have been delivered on the spot in America, but to serve other friends, and accommodate his contracting senatorial supporters as much as possible, he threw away 40,000*l.* of the public money, for the purpose only of removing the provisions from the ware or slaughter-house, to the ship or lighter.

His lordship next took a view of contracting in general, and, in his circuitous salutation of the whole contracting tribe, paid a very particular attention to the celebrated contractor Atkinson. He observed, that this favourite of the first lord of the Treasury had the following contracts given to him: in 1775, 80,000*l.*; in 1776, 400,000*l.*; in 1777, 600,000*l.*; and in 1778, 700,000*l.* He could not pretend to say what his contract might amount to in 1779, the account not being as yet delivered in; but he could say what they had already amounted to in the four last years, the enormous sum of 1,700,000*l.* This was the favoured contractor, who had one contract made with him for 5,000 hogsheads of rum at a price actually double what it could be purchased for on the quays of London. A committee of the other House was specially appointed to enquire into these rum contracts; and what the issue might be was easily foreseen, when it was considered, that out of the 21 persons of which the committee was constituted, there were 16 of the minister's confidential or intimate friends, and but five independent gentlemen. Yet willing as they might have been to oblige their patron and protector, appearances were thought proper to be observed: they could not with any decency get rid of the dilemma of acquittal or censure, without taking a middle road; they pleaded ignorance in justification. The majority at length solved the difficulty, by referring the matter to a committee of respectable merchants of London (Messrs. Long, Neave, &c.) trading to the West Indies. They examined the contract; they disapproved of it, and reported accordingly. The minister sent back again, and a third time, he believed, at the request of the favourite contractor; but the committee were firm as to their resolution, and finally determined upon the largest scale of allowance against the contract. He understood the last account the minister had

given of this curious affair, was in his place in the other House. He then gave the latter part of the narrative now stated, adding, that he had called upon Mr. Atkinson to fulfil his agreement, by submitting to the arbitration still mentioned; but that Mr. Atkinson still continued obstinate, and that of course he should be obliged to compel him, as the nation was not bound to perform an agreement, null and void in itself, because made upon misrepresentation or misapprehension of the contracting parties. Yet nine months had nearly elapsed since the noble lord had given this intimation; and it had not appeared that any one step had been taken to compel Mr. Atkinson to refund. He did not blame Mr. Atkinson, the provision contractor, Mr. Gordon, nor any other man, for making as good a bargain for themselves as possible. It was not their fault, and nothing was farther from his thoughts, than to impute any crime to them. They had, particularly such of them as were merchants, a right to better their fortunes, and provide for their families. The contracts were afloat, it was the distemper of the state, and the disorder of the times. It was a fair game, and if the public money was to be squandered, they were as well entitled to a share of the spoil, as any of their cotemporaries or competitors; but it was the minister, and the minister solely, that was culpable. What does the minister do? He contracts for 400,000 gallons of rum, at double the price he might have purchased it on the quays of London, without imparting a syllable of it to the Treasury-board. The contract was lying for eight months on his lordship's desk, or in his pocket, before he communicated the transaction to any one of his brother commissioners. What does the minister next do? He enters into a second contract with the same man who had deceived him in the first, and a third or a fourth, amounting in the whole to a sum little short of 2 millions. He would not say, that the noble lord had any personal interest in the affair; he was strongly inclined to believe not. He would not say even that his general mode of contracting was founded in motives of serving corrupt purposes; but he would maintain, that ignorance or negligence were criminal, when they led to public speculation. It was no defence to say, that his lordship's hands were clean; that his conscience was clear; the principal point on which the question turned was, had the money of the

people been squandered? Was it not his duty to see that it was not? If it was, then, he was guilty of a breach of duty of the highest and most atrocious nature. He took the responsibility of the rum contract more particularly on himself, by making it in private in his closet or parlour, and if ignorance were a good apology in any particular case, it could not be admitted here, because he departed from the usual mode of conducting business, and by so doing bound himself to the consequences.

There was another contractor, who he understood departed from the general rules of the contracting system (Mr. Alderman Harley.) This gentleman acted a more generous and disinterested part; he had been employed to remit bullion, or Portugal or Spanish coin, to America. The commission given to him by the minister was $2\frac{1}{2}$ per cent. No, said the generous contractor, I will render up part of my profits for the advantage of my country; I will abate one per cent. I will take but $1\frac{1}{2}$ instead of $2\frac{1}{2}$ per cent. After having been ironically sarcastic on the parsimony of the minister, for procuring the abatement, and on the contracting alderman, for his mercantile generosity, he observed, that no less than 3,700,000*l.* in specie had been transported to America, for the use of the troops, for which not a single voucher had been produced. This immense sum had been written off in about thirty or forty lines, without any account, or specification whatever, 40,000*l.* in one line, 20,000*l.* in another, and 30,000*l.* in a third. He confessed, he was totally at a loss even to guess how this enormous sum of almost four millions was applied. Transport-service, ordnance, provisions, stores, pay, new appointments, &c. in short every item which could be supposed to form a part of such an account, had been regularly set down; yet not a colour of pretence existed for presuming how this bullion remittance was disposed of, farther than that it was issued by the person who was fixed upon to remit it, under an order from the Treasury-board. If, indeed, millions could be thus issued, and afterwards continue unaccounted for, he might say with justice, that the army extraordinaries was the minister's civil list reserve, and that it might answer him every purpose of secret service money.

But those remittances affected the nation doubly, and drew upon it, if possible, greater mischief than even the corrupt purposes to which it might be possibly

applied. It drained the kingdom of its cash, of its sterling lawful money. The idea first conceived, was to make those remittances in Portugal and Spanish coin. That was in conscience, bad enough; because the bullion, thus sent out of the kingdom, might be soon coined into current money; but the truth was, that infinitely the greater part sent to America, was English guineas. Was this a time to drain the kingdom of its current cash, when our commerce was on the decline, our manufacturers remained unemployed; when rents were rapidly falling, our taxes proportionably on the increase, and all domestic trade apparently at a stand? He believed, that not one of their lordships thought so. By computations, respecting the coin in the other House by the minister, they stated, that the current coin of the kingdom amounted to 21 or 22 millions. If, then, a sixth part of that sum was taken out of circulation, by being sent to America, might it not be fairly assigned, among other concurring causes, as a principal one of the great difficulty there was in all negotiations respecting money transactions? Thus four millions was taken out of the public stock, no man could say for what purpose; and what rendered it still worse was, that this four millions was gone in hard coin. The people were plundered apparently in one point of view, and the sinews of trade, commerce, and internal prosperity, were cut or weakened in the other.

Having discussed these topics, his lordship said, that the American war had already cost us 26 millions funded, and 16 millions unfunded, in all 42, which would carry with it, when funded, an interest in perpetuity of 1,900,000*l.* per annum. This was tremendous, when we were commencing a war against one of the most formidable confederacies Europe ever saw: when ruin stared us in the face. What was the situation of France? Though she had in the space of three years, in a manner, created a navy nearly equal to ours, out of nothing, and had consequently incurred every expence attending a war establishment, she had not borrowed a shilling till the last year, and then not more than two millions, and about as much more this. So that we were entering into a war with France, loaded with an immense debt, while our rival and enemy had yet borrowed but a small sum, and without laying a single new tax.

For his part, he did not see where more

money could be had: he understood that the budget was to be opened soon after the Christmas recess; many means had been spoken of for raising the supplies: some spoke of the crown lands, others of taxes upon horses and dogs; East India Company; heavier excises; a tax upon lawyers, &c. In short, it was impossible to conceive any one thing that escaped the vigilance and eagle's eyes of those financial adventurers in order to oppress, extort, and draw forth the last shilling out of the pockets of a ruined people. It was the daily and nightly study of those greedy and enterprising adventurers, to make their court and their fortunes by exerting their abilities in this way. It was very easy for *commis* and all the folks of this description, who were well placed and well pensioned, basking in the sunshine of a court, or writing from Tunbridge Wells, to form schemes for the disposing of the property of the honest and industrious part of the community; but he trusted, the day of reckoning was not far distant, when the persons who had brought these calamities on this country, would be made to feel the just indignation of a much injured and oppressed people, and be compelled to render to that public, those spoils which were the reward of their pernicious counsels.

His lordship said, that his computations had been correctly made, and as correctly stated; he did not trust to himself on the occasion, but had the labours of a most able man to assist him. He then concluded with moving, "That the alarming Addition annually making to the present enormous National Debt, under the head of Extraordinaries, incurred in the different services, requires immediate check and controul.—The increasing the public expence beyond the grants of parliament being at all times an invasion of the fundamental rights of parliament, and the utmost œconomy being indispensibly necessary in the present reduced and deplorable state of the landed and mercantile interest of Great Britain and Ireland."

Lord *Stormont* opposed the motion, because it reversed the order of things; it proceeded to punishment before it convicted; it was therefore preposterous: besides, we were engaged in a great war, and we must not starve it. He objected to the noble lord's arguments drawn from precedents, because the principal one was in 1711, when a scandalous ministry endeavoured to undermine the great Marlborough.

The Earl of *Effingham* set the noble viscount right with respect to the motion. He had taken the concluding paragraph, which was merely declaratory, as grounds for the resolution. That declaration was a distinct proposition; and he begged the noble viscount to consider, that the motion was intended to institute that enquiry which he very properly said should precede condemnation. The noble lord agreed to the propositions of the noble mover, gave several reasons for believing that the extraordinary were in fact the civil list of lord North, and concluded with informing the noble viscount, that a relation of his, sir Thomas Mills, received 5,000*l.* for maintaining the civil government of Canada.

The ministers were all silent, and the Chancellor having in vain waited for some one or other of them rising, was at last obliged to put the question.

The Duke of *Manchester*, however, rose, and expressed his astonishment that ministers should sit and hear such a charge, without attempting to answer it.

The Earl of *Hillsborough* defended the character of lord North from the invectives of the noble mover. He believed there never was a more clean-handed minister, and if he were to go out of office to-morrow, he would not be able to maintain his family. He objected to the motion, because it would, in fact, be to establish a committee of safety, and would be subversive of the constitution.

The Earl of *Suffolk* said, he had sat in the other House for 15 years, and had never seen a question of such importance treated with silence, or, what was equal to it, with nonsense. The only objections that had been made to it were, that a precedent had been quoted from the year 1711, and, that checking the public expenditure would be subversive of the constitution. It only convinced him, that it was not in their power to adduce an objection to the motion.

The Duke of *Richmond* entered into the assertions made by the secretaries of state, and placed their reasoning in so poignant a point of view, that the whole House was struck with the glaring absurdity of their arguments. Having done this, his grace begged to inform the House, that an hon. general (Conway), who had distinguished himself on every occasion, and who was looked up to as the man who ought to be employed in the present day of difficulty, had been engaged last summer in the de-

fence of an island as likely to be attacked as any other, nay, which had been attacked, he meant Jersey; that hon. general had drawn for no more than 25*l.* as understanding the constitution, he had given previous estimates of the expence, and had not exceeded them. He had heard that lord North had declared, that that hon. general could not be employed, because lord Amherst was a younger general, and general Conway must consequently be above him. This was a principle so new in the service, that he must needs call upon the noble lord in the red ribbon to say, if he had refused to serve beneath a senior officer.

The *Lord Chancellor* said, that if the arguments which had been urged in favour of the motion, had been reduced to paper, and given as the grounds for that motion, they would not have been accepted by the House without proof, and he thought that a motion which could not have been supported by such arguments on paper, could still less be maintained by them unreduced.

The House divided: Contents 37, Proxies 4; Non-contents 60, Proxies 21.

The Earl of *Shelburne* informed the House of the purport of his second proposition, which was "That a Committee be appointed, consisting of members of both Houses possessing neither emolument nor pension, to examine without delay into the public expenditure, and the mode of accounting for the same; more particularly into the manner of making all contracts: and at the same time to take into consideration what savings can be made consistent with public dignity, justice, and gratitude, by an abolition of old or new created offices, or reversion of offices, the duties of which have either ceased, or shall on enquiry prove inadequate to the fees, or other emoluments arising therefrom; or by the reduction of such salaries, or other allowances and profits as may appear to be unreasonable; that the same may be applied to lessen the present ruinous expenditure, and to enable us to carry on the present war against the House of Bourbon, with that decision and vigour which alone can result from national zeal, confidence, and unanimity." His lordship moved, "That this proposition be taken into consideration on the 8th of February, 1780." Which was agreed to.

Mr. Burke gives Notice of his Plan of Public Reform and Economy.] Dec. 15. *Mr. Burke*, after some observations upon the means which he conceived were used to pre-

vent him from engaging the attention of the House to this interesting subject, said: A general sense prevails of the profusion with which all our affairs are carried on, and with it a general wish for some sort of reformation. That desire for reformation operates every where, except where it ought to operate most strongly—in this House. The proposition which has been lately made by a truly noble duke, and those propositions which are this very day making, in the other House, by a noble lord of great talents, industry, and eloquence, are, in my opinion, a reproach to us. To us, who claim the exclusive management of the public purse, all interference of the Lords, in our peculiar province, is a reproach. It may be something worse than a reproach; for, if the House of Lords should assume, or, if you please, should usurp the performance of a duty of ours which we neglect, they will be supported in a usurpation that is necessary to the public. Privileges (even such privileges as ours) are lost by neglect, as well as by abuse: and whenever it becomes evident, that they are kept up as gratifications of pride and self-importance, instead of being employed as instruments of public good, their stability will be only equal to their value. Old parliamentary forms and privileges are no trifles. I freely grant it. But the nation calls for something more substantial than the very best of them: and if form and duty are to be separated, they will prefer the duty without the form, to the form without the duty. If both Lords and Commons should conspire in a neglect of duty, other ways, still more irregular than the interference of the Lords may now appear, will be resorted to: for I conceive the nation will, some way or other, have its business done, or it is a nation no longer.

It is not only the sense and feeling of our country that calls upon us: the call of our enemies is still louder. This is the second year in which France is waging upon us the most dreadful of all wars, a war of economy. *M. Neckar* has opened his second budget. In the edict of November last, the king of France declares in the preamble, that he has brought his fixed and certain expences to an equilibrium with his receipt. In those fixed expences, he reckons an annual sinking of debt. For the additional services of the war, he borrows only two millions. He borrows not for perpetuity, but for lives; and not a single tax is levied on the sub-

ject to fund this loan. The whole is funded on œconomy, and on improvement of the public revenue.

This fair appearance, I allow, may have something at bottom, which is to be detracted from it. A large unfunded debt is probably left. Be it so. But what is our condition in respect of debts both funded and unfunded? What millions shall we not, must we not, borrow this year? What taxes are we to lay for funding these millions? Which of our taxes already granted, for these three years past, are not deficient? Not one, in my opinion. We must tax for what is to come; we must tax for what is past; or we shall be at a dead stand in all the operations of the war.

Are we to conceal from ourselves, that the omnipotence of œconomy alone has, from the rubbish and wrecks and fragments of the late war, already created a marine for France? Are we not informed, that in the disposition and array of the resources of that country, there is a reserve not yet brought forward, very little short of an annual two millions and an half, in the war taxes? Against this masked battery, whenever it shall be opened in the conflict of finance between the two nations, we have not a single work thrown up to cover us. We have nothing at all of the kind to oppose to it. The keeping this supply in reserve by France, is the work of œconomy, of œconomy in a court formerly the most prodigal, and in an administration of finance the most disorderly and corrupt. Absolute monarchies have been usually the seats of dissipation and profusion; republics of order and good management. France appears to be improved. On our part, indeed we are not—we are not indeed, what we have been. And, in our present state, if we will not submit to be taught by an enemy, we must submit to be ruined by him.

On this subject of œconomy, on the other side of the House they have not so much as dropped a single expression; they have not even thrown an oblique hint, which glances that way. A very ingenious gentleman of great consideration, connected with ministry (Mr. Eden) has published a book, much of which is on the subject of finance; the fruit of the throws and labour-pangs of ministry to bring forth taxes, in order to people the waste they have made in the public stock. This gentleman has ransacked every thing, at home and abroad, ancient and modern, to find taxes for that length of war, with the

prospect of which he flatters his readers: but though he looks into every corner in the course of his inquisitive and learned research, and descends almost to thrust his nose into the urine-tubs of Vespasian; yet in all this straining and stretching for revenue, he never has once so much as thought of œconomy. It seems to him a thing wholly out of the question; though the Dutch practice, and Roman principle, to, which he looks on other occasions, might have taught him that old and true lesson, *Magnum vectigal est parsimonia*.

The noble lord in the blue ribbon has been so hard driven, that he has had recourse even to the impracticable in taxation. Last year he recommended the scheme of a worthy member of this House, conceived on the most laudable motives, though, in my opinion, not well considered. The scheme was for raising our supplies within the year. The noble lord recommended that scheme, declaring at the same time that he did not know how to put it in practice—he, the minister of finance! It is however singular, that in all his begettings and adoptions, in all his schemes, practicable and impracticable, he has never once dreamt of œconomy.

In the House of Lords, the first proposition towards œconomy, by a noble duke, was rejected by ministers; and but for one reason; and that just the most whimsical in the world: that it would lower the spirits of the people. Very ingenious, indeed! that the œconomical conduct of their affairs would lower the spirits of the people. Not having any of their lordships' delicate feelings in my plebeian constitution, I know not what to make of this sort of irritability of their fibres. Such nervous sensations are always whimsical and distempered. I know that hypochondriacal people swoon at perfumes, and are recreated by a stench. But I trust there is still enough of health and sound stuff in the habits of Englishmen to relish things according to their genuine nature; that they will not take mortal offence at not being taxed to the quick; and that they will rather be animated with fresh spirit under their burthens, when they know that not a shilling is laid upon them beyond the absolute necessity of the case.

What the ministers, whose duty it is, and whose place furnishes them with the best means of doing that duty, refuse to do, let us attempt to do for them. Let us supply our defects of power by our fidelity and our diligence. It is true, that we shall

labour under great difficulties from the weight of office; and it is a weight that we must absolutely sink under, if we are not supported by the people at large. This House has so much sympathy with the feelings of its constituents, that any endeavour after reformation which tends to weaken the influence of the court, will be coldly received here, if it be not very generally and very warmly called for out of doors. But to offer is all that those out of power can do. If the people are not true to themselves, I am very sure it is not in us to save them.

I cannot help observing, that the whole of our grievances are owing to the fatal and overgrown influence of the crown; and that influence itself to our enormous prodigality. They move in a circle; they become reciprocally cause and effect, and the aggregate product of both is swelled to such a degree, that not only our power as a state, but every vital energy, every active principle of our liberty will be overlaid by it. To this cause I attribute that nearly general indifference to all public interests, which for some years has astonished every man of thought and reflection. Formerly the operation of the influence of the crown only touched the higher orders of the state. It has now insinuated itself into every creek and cranny in the kingdom. There is scarce a family so hidden and lost in the obscurest recesses of the community, which does not feel that it has something to keep or to get, to hope or to fear, from the favour or displeasure of the crown.

The worst of public prodigality is, that what is squandered is not simply lost. It is the source of much positive evil. Those who are negligent stewards of the public estate will neglect every thing else. It introduces a similar inaccuracy, a kindred slovenliness, a correspondent want of care, and a want of foresight into all the national management. What is worst of all, it soon surrounds a supine and inattentive minister with the designing, confident, rapacious, and unprincipled men of all descriptions. They are a sort of animals sagacious of their proper prey; and they soon drive away from their habitation all contrary natures. A prodigal minister is not only not saving, but he cannot be either just or liberal. No revenue is large enough to provide both for the meritorious and undeserving; to provide for service which is, and for service which is not incurred.

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I know that this influence is thought necessary for government. Possibly, in some degree, it may. But I declare, it is for the sake of government, for the sake of restoring to it that reverence, which is its foundation, that I wish to restrain the exorbitance of its influence. Is not every one sensible how much that influence is raised? Is not every one sensible how much authority is sunk? The reason is perfectly evident. Government ought to have force enough for its functions; but it ought to have no more. It ought not to have force enough to support itself in the neglect, or the abuse of them. If it has, they must be, as they are, abused and neglected. Men will throw themselves on their power for a justification of their want of order, vigilance, foresight, and all the virtues, and all the qualifications of a statesman. The minister may exist, but the government is gone.

It is thus that you see the same men, in the same power, sitting undisturbed before you, though thirteen colonies have been lost. It is thus the marine of France and Spain has quietly grown and prospered under their eye, and been fostered by their neglect. It is thus that all hope of alliance in Europe is abandoned. It is thus that three of our West-India islands have been torn from us in a summer. It is thus the most important of all, Jamaica, has been neglected, and all enquiry into that neglect, in this House, stifled. It is thus Ireland has been brought into such a state of distraction, that no one dares even to discuss it; that the Bill relating to it, though making great and perplexing changes, is such, that no one knows what to say, or what not to say upon it. Our parliamentary capacity is extinguished by the difficulty of our situation. The Bill has been mumbled over with rapidity; and it passes in the silence of death. Had government any degree of strength, could this possibly have happened? Could the most ancient prerogative of the crown with relation to the most essential object, the militia, have been annihilated with so much scorn as it has been, even at our doors? Could his Majesty have been degraded from the confidence of his people of Ireland in a manner so signal, and so disgraceful, that they who have trusted his predecessors in many particulars for ever, and in all, for two years, should have contracted their confidence in him to a poor stinted tenure of six months? Could the government of

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this country have been thus cast to the ground, and thus dashed to pieces in its fall, if the influence of a court was its natural and proper poise; if corruption was its soundness; and self-interest had the virtue to keep it erect and firm upon its base?

I will not fatigue your patience, I will not oppress your humiliation with further instances of the debility and contempt of your government. The inference I draw from the whole is this, that the present weakness of government is a disease of repletion. The vigour of the limbs is gone, because the stomach has been overfed. I have been clear on the nature of this disease, and on the specific remedy, for a long time. I however kept back my thoughts, partly for reasons of personal want of importance, partly from my own disposition. I am not naturally an œconomist. I am, besides, cautious of experiment even to timidity, and I have been reproached for it. But times alter natures. Besides, I never, till lately, saw a temper in the least favourable to reformation. There is now a dawning of hope. I trusted that a ministry might be formed, who would carry some such plan into effect with all the powers of government; and much is lost in not possessing those powers for this purpose. But the present favourable moment is not to be neglected; even under this disadvantage, great as it is, and as I feel it to be.

I have a plan that I think will serve for a basis (it is no more) for public œconomy and reduction of influence. I have communicated it to a very few friends, whose approbation I am strengthened by; and I will communicate it to more, who will make it worthy of being brought into parliament. When it is thus matured, I mean to propose it to the consideration of the House, as soon after the Christmas recess as possible. It will not be advisable at this time to open all the particulars. Projectors see no difficulties; and critics see nothing else. When any new propositions are made, unattended by their explanations, their qualifications, and a full stating of their grounds, they are very liable to be decried; especially where men's interests are concerned in decrying them. But I will venture to state the end and object I aim at, though not the means; I will state too, the limits I fix to myself in what I shall propose to the House.

I mean a regulation, substantial as far as it goes. It will give to the public ser-

vice, 200,000*l.* a year. It will cut off a quantity of influence equal to the places of fifty members of parliament. I rely more on a plan for removing the means of corruption than upon any devices which may be used to prevent its operation, where these means are suffered to exist. Take away the means of influence, and you render disqualifications unnecessary. Leave them, and no disqualifications can ever wholly prevent their operation on parliament.

My plan stands in the way of no other reformation: but on the contrary, it tends exceedingly to forward all rational attempts towards that great end. It certainly cannot make a careless minister an œconomist. But the best minister will find the use of it; and it will be no small check on the worst. For its main purpose is to correct the present prodigal constitution of the civil executive government of this kingdom; and unless this be done, I am satisfied no minister whatever can possibly introduce the least œconomy into the administration of it.

As to my limits; the first is found in the rules of justice. And therefore, I do not propose to touch what any private man holds by a legal tenure. The second is in the rules of equity and mercy. Where offices may be suppressed, which form the whole maintenance of innocent people, it is hard (and hardship is a kind of injustice) that they who were decoyed into particular situations of life, by our fault, should be made the sacrifice of our penitence. I do not mean to starve such people, because we have been prodigal in our establishments. The removals will fall almost wholly on those who hold offices by a tenure, in which they are liable to be, and frequently are, removed for accommodating the arrangements of administration; and surely the accommodation of the public, in a great case like this, is full as material a cause for their removal, as the convenience of any administration, or the displeasure of any minister. The third sort of limits are to be found in the service of the state. No one employment really and substantially useful to the public, and which may not very well be otherwise supplied, is to be retrenched; or to be diminished in its lawful and accustomed emoluments. To cut off such service, or such reward, is what, I conceive, neither politic, nor rational in any sense. The fourth of my limits, is, that the fund for the reward of service, or merit, is to be

left of sufficient solidity for its probable purposes. The fifth, that the crown shall be left an ample and liberal provision for personal satisfaction; and for as much of magnificence, as is suitable with the burthened state of this country; perhaps, some may think what I shall propose to leave, to be more than is decent.

I propose the idea with the properties, and with the qualifications I have now expressed. However presumptuous my attempt may appear, it is made with an humble and honest intention, and I will spare no pains to digest and ripen it. I trust it will give confidence to the people, and strength to government; that it will make our state of war vigorous; and our state of peace and repose really refreshing and recruiting.

Lord John Cavendish. My hon. friend made me acquainted with his intended proposal before he gave notice of it in the House. I assured him, I much approved of it, and wished it all possible success, but that I doubted whether parliament had virtue enough at this time to bring so right a measure to perfection. I likewise told him, I was convinced that some plan of this kind was expected from us. The pressure of new taxes, and the decline of trade and of rents, have turned the thoughts of many persons towards this object; as a proof of what I say, I have a letter from a gentleman of fortune and character, to whom I am not personally known. His letter says, that from the present distresses and expected new burthens, many gentlemen are of opinion, that it becomes them to make some application to parliament; that what has more particularly occurred to them is, to address parliament to enquire into the public revenues, to retrench useless offices, and to give only proper salaries to those which are necessary. It may perhaps be supposed, that this idea, which corresponds so exactly with those of my hon. friend, was transmitted into the country by him or some person acquainted with his plan. To contradict any belief of that sort, I can assure the House, that the letter is dated the 29th of November; that is to say, before either I or any body else was acquainted with my hon. friend's intention; so that this concurrence does not arise from any previous concert, but it happens, because the national distresses suggest the same sentiments to every man's mind, and point out the same remedy.

Mr. Dempster. In my conscience I am

persuaded, that the influence of the crown is the true cause of the mischievous origin, the destructive progress, the absurd conduct, and the obstinate prosecution, without view or hope, of this accursed American war; which is now universally felt, and generally acknowledged, as itself the cause of all the other misfortunes of Great Britain, and principally of the present naval greatness of the House of Bourbon. I am as heartily convinced, that the King's interest is as much affected by it as that of the subject. If it continues, and goes on as it has done, I vow to God, I do not think his Majesty will sit securely on his throne. I am bound to remove this evil, as I cordially love my sovereign. I think myself bound to it by my faith, by my allegiance, by the sacred oath I have taken to his Majesty. By that sacred bond and indispensable obligation, I am compelled to do every thing I can to secure the stability of his throne. This influence shakes it; it may subvert it; and nothing can be undertaken more worthy of a good subject, than to remove, in time, this means of mischief and danger to the King. I therefore thank my hon. friend for his intentions. They are worthy of his public spirit; they would do honour to any man; and the business cannot be in more proper hands. I know his industry; and the rank he holds, as representative of the second city of the kingdom, makes him a most proper person to introduce his design with authority.

Mr. Fox said: I cannot prevail on myself to be entirely silent upon such an occasion as this. I shall, however, trouble you with but a few words. I have some knowledge of the plan of my hon. friend; and, in general, it has my hearty approbation. I thank him for the pains he has taken for the public service; I thank him as much for his endeavours to vindicate the honour of this House. I am just come from another place, where the first men in the kingdom, the first in abilities, the first in estimation, are now libelling this House. Every instance they give (and they give many and strong instances) of uncorrected abuse, with regard to public money, is a libel on this House. Every argument they use for the reduction of prodigal expence, (and their arguments are various and unanswerable,) is a libel on this House. Every thing they state on the luxuriant growth of corrupt influence (and it never was half so flourishing) is a libel on this House.

But this House will be brought, by proper means, to wipe off all these imputations. The people for a long time have been slow and torpid. The noble lord on the floor doubts whether they have virtue enough to go through with the plan of reformation, which my hon. friend has to propose. But the virtue of necessity will animate them at last; and through them will it animate and correct this House. The virtue of necessity (sure in its principle, and irresistible in its operation) is an effectual reformer. It awakens late; but it calls up many other virtues to its aid; and their joint exertion will infallibly bear down the greatest force, and dissipate the strongest combination that corrupt men have ever formed, or can ever form against them.

There is amongst us but one mind upon the subject. I hope and trust, that no man or description of men, none who look to the public, none who wish the public ever to look up to them, will be so lost to all sense of their own reputation, and to all discernment of their true interest, as at any time, upon any terms, or upon any pretences, to accept of the management of the state, without securing the execution of the plan of my hon. friend, or of one similar to it. If they should do otherwise, let them come into office with what intentions they may, they will sink in character faster than they can rise in power. That very influence, which they are prevailed upon to cherish as their means of strength, will become the source of their weakness. They will find, that the influence is not at their disposal. They will find every good design which they may form, traversed and frustrated. This influence will even appear in avowed opposition to them. It will be first employed to embarrass, and at length to destroy them. Whoever wishes for ability to serve their country, must get rid of that kind of instrument.

My hon. friend who spoke last says well, that his duty and allegiance to the King are strong motives with him, for wishing success to this proposition. Certainly they must be so to every good subject. Can the King possibly enjoy the affection and confidence of his people, when his interest is wholly dissociated from theirs, and put upon a bottom perfectly separate? It is but one and the same principle which cements friendship between man and man in society, and which promotes affection between king

and subject: namely, that they share but one fortune; that they flourish by the same prosperity; and are equal sufferers under the same distress; that the calamity of the people is the depression of the prince. On any other terms, there can be no sympathy between men in any relation of life. Can any thing be more unseemly, more fit to separate his Majesty from his people, and to alienate his people from him, than to find, that when the landed estates are sunk one fifth in value, when their rents remain unpaid; when manufactures languish and trade expires; and in that condition, burthen upon burthen is piled upon the fainting people; when men of all ranks are obliged to retrench the most innocent luxuries, and even such as were rather grown by habit into a kind of decent convenience, and to draw themselves up into the limits of an austere and pinching œconomy, that just the beginning of that time should be chosen, that a period of such general distress should be snatched at as the lucky moment for complimenting the crown with an addition of no less than 100,000*l.* a year. That the King should rise in splendour upon the very ruins of the country, and amidst its desolations should flourish with increased opulence amidst the cries of his afflicted subjects. It is something monstrous, something unnatural: an outrage to the sense; an insult on the sufferings of the nation.

I hope, therefore, for the sake of the public, for the sake of all public men, for the sake of the crown, and for the sake of the King, that my hon. friend will add perseverance to the diligence he has already employed in his plan for lessening the public expences, and reducing the ruinous influence of the crown; and that no time after the holidays will be lost in producing it. He has my hearty approbation, and will have my warmest support.

Mr. *Gilbert* expressed the warmest approbation of Mr. Burke's propositions, and said, that if he had not got the start of him, he proposed to do something of the same kind himself.

Colonel *Barré* expressed his indignation at the contemptuous manner in which the minister had received a proposition of such importance, and to which all the rest of the House had paid uncommon attention. He expressed the strongest satisfaction that a business of that magnitude and consequence should be in such hands. Not having as yet received a communication of

the particulars of the plan, he could not express approbation or disapprobation of those particulars; but, in general, he was rejoiced to hear of a plan of public œconomy; and he hoped such a plan would be large and comprehensive; so as not only to insure a just œconomy in the expenditure of public money, but that it would effectually provide a remedy for the abuses that exist, and were on all hands allowed to exist, in the present mode of accounting for the receipt and disbursements of public money.

1780.

Complaint against the Duke of Bolton for concerning Himself in the Southampton Election.] January 24. Mr. Lovel Stanhope said, the House had, previous to the holidays, been moved on the subject of a contempt incurred by the duke of Chandos, who had been complained of as having interfered in the election for member for Hampshire, by sending a letter attempting to influence the vote of an elector. The interference of peers of parliament in elections was a matter highly censurable, and directly in violation of the rights and privileges of the Commons of England; he was sorry therefore to say, that upon enquiry he had found that the duke of Chandos was not the only peer against whom there was ground of suspicion of having interfered in the election for Hampshire; he had in his hand many letters written by different peers; for the present, however, he would produce but one of them, and that he should move might be referred to the Committee of Privileges. If his motion was acceded to, which he presumed it would be, as it was exactly similar in its foundation to that which had been agreed to relative to the duke of Chandos, he meant to follow it with another motion, that it be an instruction to the Committee to report upon this letter at the same time that they reported on the letter of the duke of Chandos. Mr. Stanhope then took out of a bundle of manuscripts a letter from the duke of Bolton to an elector of Hampshire, and read the contents, the sum of which was an earnest request made by his grace, that the person addressed would not only vote himself for Mr. Jervoise, but use his interest to procure him as many votes as possible.

The motion was put and carried *nem. con.* He then proposed his other motion, upon which

Mr. Wilkes said, he was far from being sensible that the motion then before the House was proper to be put at all, much less did it strike him that it ought to be agreed to. The complaint of a breach of privilege against the duke of Chandos was not similar to the present complaint; it was exceedingly distinct and different; he had moved against the duke of Chandos, for having interfered in the election for Hampshire, not merely as a peer of parliament, but as a peer of parliament and as lord lieutenant of the county; for having used the influence and powers of the crown, in violation of the freedom of election, and in breach of the privileges of the Commons of England; a matter infinitely more alarming than the interference of a private peer of parliament. His complaint had been referred to the Committee of Privileges some time since, and he saw no reason why another cause of complaint, relative to the same election, lately discovered, should stop the progress of the deliberations of the Committee, or delay their report upon what was already before them. The two complaints were perfectly clear of each other, and, as far as his experience in parliamentary business enabled him to judge, he conceived it to be the regular method of procedure to decide upon one matter before another was taken into consideration; indeed, if that rule did not hold in the present case, it was impossible to say when the Committee might be expected to make their report on the complaint against the duke of Chandos, because a variety of other complaints might be made from time to time.

Mr. Stanhope was not inclined to alter his opinion, in consequence of what the hon. gentleman had said, but would still stand by his motion. In answer to the argument of the delay, which agreeing to his motion would occasion, it was altogether ill-founded; the whole trouble of establishing the necessary proof relative to the complaint which the House had just referred to the Committee of Privileges laid solely in producing evidence of the letter which he had read, being the handwriting of the duke of Bolton; a matter which he was prepared for, and which would not cost the committee two minutes time.

Mr. Dunning said, that from what the hon. gentleman had urged he could not collect any thing amounting to a plausible reason, why the committee should delay

their report upon the complaint already before them, till they had investigated that which had been now referred to them. The two complaints were certainly distinct. The hon. gentleman had said, that all the proof necessary he could produce in two minutes. Possibly all the proof that appeared necessary to the hon. gentleman at present might be produced in two minutes, but how could he foresee what might or might not appear to the committee to be proper evidence to be laid before them? He hoped therefore that a motion objected to upon such strong grounds, and which was in itself so contrary to parliamentary form, would be withdrawn.

Mr. Stanhope still expressing an unwillingness to withdraw his motion,

Sir George Yonge said he was astonished to see the hon. gentleman persist in a matter so clearly irregular. He contended, that if the present motion was carried, it would amount to a prohibition on the committee respecting the complaint against the duke of Chandos, for that in fact it would be telling the committee they must not proceed to report on that complaint though it was before them first, till they had investigated another complaint newly referred to them.

Mr. Stanhope at length gave up the point.

Debate in the Commons on the Irish Trade Bill.] Lord North brought up a Bill "to allow the trade between Ireland and the British colonies and plantations in America and the West Indies, and the British settlements on the coast of Africa, to be carried on in like manner as it now is carried on between Great Britain and the said colonies and settlements," and moved that it be read a first time.

Lord George Gordon insisted on the noble lord's first giving the House a clear account of the reception of the propositions which his lordship had made respecting Ireland, and of the two acts already passed in favour of that country, by the parliament and people of Ireland, declaring that it was now time for the House to act like men, and to give a decisive opinion respecting Ireland, a matter in which they must necessarily be directed by a just report of the feelings of the Irish upon what had already been done for them by the British legislature, and upon the proposition, as a fulfilment of which, the present bill was brought in.

The Speaker told lord George, that the

motion before the House was, "That the bill be now read a first time." That therefore all his lordship had said was irregular, and had no reference to the motion. If the noble lord meant to oppose the first reading, that was the time to make his objections; but the questions he had asked, did not go to that point.

Lord George Gordon said, he wished to save time, that therefore he insisted upon hearing from the noble lord, in what manner his propositions and his bills had been received in Ireland; that if the noble lord refused to state to the House the real truth relative to their reception, he was in possession of the whole matter, and he would lay it before them, and then he should expect ministers to reply, if they could; which he believed they could not, as he had the best information, and would, in a good argument of an hour's length, every part of which would be found to be unanswerable, prove that Ireland was not contented: that notwithstanding what lord Irnham, whom he then saw, or lord Beliamont had said in the House of Peers in Dublin, and notwithstanding the voice of both Houses of the Irish parliament, the armed associations would have more, and that they did not expect it as a matter of favour, but demanded it as a matter of right.

Lord Beauchamp said, if the noble lord seriously wished to know the sentiments of Ireland respecting the bills already passed, the best way would be for him to move for the addresses of both Houses of the Irish parliament.

Mr. James Luttrell, before he gave his consent to the first reading of the Bill, insisted upon knowing on what day the noble lord meant to move that it be read a second time. The subject was certainly highly important, and the Bill ought to pass its several stages deliberately and in a full House.

Lord North said, he did not conceive it was parliamentary for gentlemen to call upon him to know, on what day he meant to move for the second reading of a bill, which had not been read a first time: and to declare, that they would oppose the first reading, unless he first answered that question. Every gentleman would have it in his power to object to the day moved for the second reading, when that motion should be made; he was not, however, under the least difficulty, with regard to answering the honourable gentleman's question, though he could not altogether

approve of the mode in which it had been put. The present Bill certainly was not so circumstanced, in point of necessity, for dispatch, as the two Bills had been which had passed before the holidays; he hoped nevertheless that it would not be unnecessarily delayed, and therefore if the present motion was carried, his intention was, to move that it be read a second time on Thursday.

Sir *Thomas Egerton* said, it might be remembered, that in former sessions, when questions of commerce respecting Ireland had been in agitation, the several manufacturing towns of this kingdom had applied to parliament, and urged their situation, as an objection to the matters then under discussion, pleading that in reliance on the good faith of parliament they had put themselves into that situation, and therefore it would be unjust to grant to Ireland what must materially affect their interest. The case now, he observed, was much altered; it was no longer a question of commerce, but a question of great national importance; for which reason the several places in the kingdom likely to be affected by what had already been done, and by what remained to be done for Ireland, had thought it more decent and dutiful to remain silent, and to trust altogether to the wisdom and justice of parliament. He hoped, therefore, that a bad use would not be made of their forbearance, and that all consideration of their interest would not be abandoned, but that the present Bill would be deliberately discussed.

Lord *George Gordon* read a resolution of the Newry Association, respecting the conduct of the British parliament, by which it appeared that they were not yet fully satisfied. In the course of his speech, which was long and diffuse, his lordship talked of a rebellion in Ireland, and repeatedly called on lord *Irnam* to speak to what had passed in the House of Peers in Dublin.

Lord *Irnam* could not refrain from saying a word or two in reply. When the propositions were received in Ireland, he said that they gave, both to the parliament and the people, very great satisfaction; that they were perfectly pleased with the two Acts already passed, as far as they went, and that the parliament breathed a spirit of loyalty to the King, of gratitude to England, and of esteem for the British legislature. He declared upon his honour that they were unanimous in expressing both the one and the other, and that what

the noble lord had said relative to a rebellion in Ireland, had surprised him exceedingly, because when he was there, and he had not long left that kingdom, there was not the smallest appearance of discontent; on the contrary, all was cordiality and friendship towards England.

The Bill was read a first time. Lord *North* then moved that it be read a second time on the 27th.

Mr. *James Luttrell* objected, and particularly rested on the necessity of the noble lord's ascertaining the condition of the trade he meant to give to Ireland; observing, that it was highly necessary to be defined, because the noble lord had laboured a great deal in the course of his speech, in opening the propositions to the committee, previous to the recess, to prove, that though he meant to give Ireland a right to import sugars, that they could not possibly derive any benefit from that right of importation; but would get them cheaper by taking them from England, than immediately from the West Indies. Mr. *Luttrell* professed himself zealous for giving Ireland what she desired—a free trade; and declared, that if this country ordered the imposition of taxes upon the imports of Ireland, Ireland was not free. He said the question respecting Ireland was become principally a question of state; it was necessary however to define what part of it was commercial and what political; he wished therefore for more time, or that the noble lord would then describe in its full extent the condition on which the favour was to be granted, remarking that the two acts already passed had not stood in need of the same sort of previous explanation, because they were clearly unconditional in every respect.

Lord *North* said, that it was true the former acts had no condition annexed to them, because from their tendency none was necessary: with regard to the present Bill, the condition of it grew out of its principle; it had been brought into the House in consequence of a resolution of the committee, stating it to be expedient to grant Ireland a right to import from America and the West Indies, upon condition of carrying on that trade on the same terms as those upon which England enjoyed it. The gentlemen employed to draw up the Bill, had doubtless complied with this resolution, which in course became the principle of the Bill. With regard to what the hon. gentleman had said of his having declared, that although the

Bill would give Ireland a right to import from the West-Indies, she could not profit by that trade, he had neither made such a declaration, nor meant to convey any such idea.

Lord *Nugent* begged that the House would suffer the Bill to be read a second time on Thursday, observing that there would be ample opportunity for amending it in other stages. His lordship confirmed all that had been said about the happy temper of Ireland, and the welcome manner in which they had received the propositions, asserting, that although there might be some few people in that country as mad as some that were in this, every rational, sensible man approved of what had been done.

Mr. *James Luttrell* moved, that the words 'on Wednesday se'nnight,' be inserted in the room of the words 'on Thursday next.'

Mr. *Turner* said he was sorry to hear the smallest objection made to the progress of a bill, which it so well became the English parliament to countenance, and declared he would on no occasion vote with opposition when he thought them wrong.

Lord *George Gordon* said he meant to shew, that if the Bill was a good bill, it ought to be read a second time the very next day, for not a moment was to be lost, and if it was not a good bill, it ought never to be read a second time. He then produced a pamphlet entitled "A Letter to lord North, by Francis Dobbs, counsellor at law in Dublin," and began to read it, much to the dislike of the House, which, from near 200 members, soon thinned to less than 50. After he had proceeded about half way, a member asked the Speaker, if any gentleman had a right to introduce a pamphlet, and read the whole as a part of his speech, whether the House liked it or not? Because if he had, he said, there would be an end to business, as another member might take up a folio volume and insist on reading it through.

The *Speaker* said it lay altogether with the House, who were masters of their own orders, and could either give permission or not in the present case, or any other.

Lord *George Gordon* insisted on doing his duty, and proceeded to read on, declaring it was an excellent pamphlet.

Lord *North*, and several others, in vain expressed their displeasure at his lordship's proceeding, and the Speaker more than once gave it as his opinion that the

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pamphlet had no reference to the motion then before the House. Lord *George*, however, contrived to begin again and again, and at length so tired the House, which was by this time reduced to a bare 40 members, that they consented to let him finish it, finding him deaf to all attempts to prevent it, whether founded on order or not. When he had done reading, he added a few general assertions, that Ireland was not contented, declaring, that every assertion that she was, was a mere hum, and gave notice that he would the next day move a repeal of the Declaratory Act of Geo. 1, binding Ireland in all cases whatsoever.

The question was put, and lord *George Gordon* divided the House upon it, when the numbers were, For the motion, 1, Against it, 39; the main question was then put and agreed to.

Jan. 25. Lord *George Gordon* asked for the order of the day. The Speaker told him there was none: his lordship seemed surprised, and said that he had given notice that he intended to move a repeal of the Declaratory Act of the 6th Geo. 1. No notice having been formally given, none appeared on the books; his lordship therefore proceeded to open his motion. The first step he took for that purpose, was to read an account of two debates in the House of Lords of Ireland, from a newspaper, and containing first the speech of Lord *Bellamont*, whom his lordship stiled the mouth-piece of the Irish parliament, and afterwards those of the Lord Chancellor and another peer. His lordship accompanied his recital with several comments, some serious, but most of them ludicrous: he had not proceeded far before

Lord *North* rose and said, though he should be exceedingly sorry to press the point of order on the noble lord, he could not refrain from submitting it to his candour, how extremely irregular it was for a member to read a speech from a newspaper, purporting to be the speech of a noble person in a respectable assembly in another kingdom, to use the name of that person with the utmost freedom, and to comment upon the speech without reserve, when the speech was not before the House, and was by no means authenticated, but the mere out-door report of a matter which might or might not have been delivered in the respectable place in which it was stated to have been spoken.

Mr. *J. Luttrell* commended the noble lord's delicacy, and said that certainly it was not regular to comment upon the speech of a member of another assembly, mentioning that member by name, unless the matter commented upon was fully authenticated. But that if such conduct was defensible respecting any person, it was respecting the noble earl in question, who had himself set the example, and commented on the conduct of several members of that assembly, in a most illiberal and unjust manner, abusing them by name, and making no scruple to say every thing that wantonness could suggest, to the prejudice of some of the most worthy and respectable characters in the empire.

Lord *North* observed, that he could only say the matter was wrong in itself, let it begin where it would, and that certainly he who first set the example was much to blame; but admitting that the parliament of Ireland had been betrayed into an irregularity, it was no reason they should follow the same error.

Lord *George Gordon* promised to be more guarded in the remainder of what he had to read, and not to mention any names whatever. He declared that all he meant to offer to the consideration of the House, both by reading and speech, should not take up more than one hour; that it was exceedingly important, because it would prove incontestably that the noble lord in the blue ribbon was deceived, if he imagined all Ireland was contented with what had been done, because the parliament of that country had expressed their satisfaction on hearing the news of the two Acts having passed the British legislature, and of the third proposition made to the committee by the noble lord. He begged therefore that the House would pay him due attention, declaring that it would be for their interest and ease, because he was determined to do his duty; and if they prevented him one day, he would resume the subject the next, by which means the matter might be postponed till a busy day, and then so much would be before the House, that they would find themselves disagreeably situated. His lordship then proceeded to read the remainder of lord *Bellamont's* speech, &c. terming it the speech of a noble lord in a certain assembly, and observing, that he read it merely as a newspaper account, and if any part of it was wrongly stated, a noble lord sat near him (lord *Irnham*) who had been present at the debate, and who would set

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him right by contradicting those parts of the account which the noble lord should know to be erroneous. After going through the account, his lordship read, one after another, lord *Hillsborough's* letter to the lord mayor of Dublin, (dated St. James's, Dec. 23, and stating, that his Majesty had just returned from the House of Peers, whither he had been to give his royal assent to an Act respecting the trade of Ireland, a printed copy of which he enclosed); the letter of lord *Hillsborough's* secretary to the seneschal of Newry, on the same subject; various extracts from the Irish papers, containing accounts of the illuminations in Dublin, on the receipt of the news; accounts of the feelings of the people of Armagh on the occasion, and of the people of different places; a letter from sir *Edward Newenham* on the subject of what he termed the commercial emancipation of Ireland; the resolutions of the Newry association of armed volunteers, and other papers; upon each of which he was profuse in remarks, in order to draw an argument from the whole, that though the parliament of Ireland was satisfied, the people at large were not, and particularly the armed associations. At length he took up a pamphlet, which he said was Mr. *Dobbs's* letter, and which he declared he should read for the instruction of the House. A general murmur took place on this, and

Lord *North* rose to object, observing that the noble lord had read the pamphlet before, and that he did not doubt but it had been read or heard by every member present. His lordship added, that if any one gentleman would rise, and say he had not read or heard it, or that he wished to have it read by the noble lord, he would sit down and patiently abide the recital.

Lord *George Gordon* said, he by no means wished to press an unpleasant matter on the House; but the pamphlet was really so excellent that it ought to be read every day in the week: however, as the House wished not to hear it, he would proceed in the shortest manner to his motion. He then desired that the Declaratory Act might be read, which being done by the clerk at the table, he begged to read it again himself; not, he said, that it had not been read very correctly by the clerk, who, he was aware, was one of the best readers in existence, but merely to give the marking passages a due emphasis and energy. Having gone through the Act, his lordship produced his motion, which

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was, in form, a Bill : he was therefore told by the Speaker and lord North, that he must move for leave to bring in a Bill, and that he could proceed in no other way. He accordingly moved, when unluckily no member rose to second the motion. He called on lord Irnham, claiming a performance of his promise of the preceding day.

Lord Irnham owned he had hastily given such a promise ; but having had an opportunity to weigh the matter more maturely, he begged leave to wave it, and hoped the noble lord would excuse his seconding a motion which, upon reflection, did not appear to him to be proper or expedient.

Lord George Gordon rose to explain, but no motion being before the House, a member moved the question of adjournment, which the Speaker was proceeding to put in the usual form, when lord George rose again and began speaking ; being called to order, he said he meant to speak to the question of adjournment, but going into his former story, the members left their seats, and he thereupon sat down, giving the Speaker an opportunity of dismissing the House in form, which was done.

Debate on the Complaint against the Duke of Chandos for concerning Himself in the Southampton Election.] Feb. 2. Mr. Bacon reported from the Committee of Privileges, the matter, as it appeared to them, touching the several Complaints made to the House, upon the 10th and 17th December last (that the duke of Chandos, a peer of parliament, and lord lieutenant of the county of Southampton, had signed several letters with his own hand respecting the then ensuing election for the said county, thereby concerning himself in the said election, in breach of the privilege of this House, and in infringement of the liberties and privileges of the Commons of Great Britain) together with the Resolutions of the committee thereupon ; and he read the Report in his place as follows :

To prove what is alledged in the said Complaints, the seven letters mentioned therein, were delivered in to your committee ; and five of them being shewn to the persons to whom they were addressed (the other two not attending the committee) four of the said persons said they had received them by the post, and the other person said, he had received a letter to

that purpose ; but could not say that was it, as it had been out of his custody, but he believed it was. The said five letters were traced by your committee from the hands of the persons to whom they were addressed, into the hands of the member who delivered them in to your committee. Then Mr. William Lawless being called before your committee, and the several letters mentioned in the complaints, being shewn him, said, That he wrote them all himself, and saw the duke of Chandos sign them ; and that he had written 3 or 400 such letters, most of which were signed in his presence. Mr. Coulston, inspector of the bye days at the General Post-office, being examined, said, He had never seen the duke write. Being shewn the superscriptions of the letters, said, he believed, from the number he had seen, they were the duke's hand writing ; that he had passed them as franked ; and that when he saw any which he suspected, he charged them. Then five of the said letters were read, and appeared to relate to the said election. And the resolution of the House, upon the 26th of November last, " That it is a high infringement of the liberties and privileges of the Commons of Great Britain, for any lord of parliament, or any lord lieutenant of any county, to concern themselves in the elections of members to serve for the Commons in parliament," was also read. Upon the whole, your committee came to the following Resolutions :

" That James Bridges, duke of Chandos, a peer of parliament, and lord lieutenant of the county of Southampton, has concerned himself in the late election of a knight of the shire for the said county. 2. That James Bridges, duke of Chandos, &c. has been guilty of a breach of the privilege of this House, and an infringement of the liberties and privileges of the Commons of Great Britain."

Lord Nugent observed, that although he did not rise to defend the conduct of the noble duke, or controvert the facts stated in the report, he thought it was totally unnecessary to proceed further in this business. He endeavoured to divert the attention of the House by a story, in order to shew that custom had in some measure sanctioned such a conduct. He said, that in the year 1746, when Mr. Pitt was appointed paymaster of the forces, in the room of Mr. Winnington, Mr. Pitt, on his vacating his seat, was re-elected for a Sussex borough, through the interest of

the late duke of Newcastle. What was the consequence? A complaint was preferred to that House by the unsuccessful member against the noble duke, as a peer of parliament, and lord lieutenant, and against the great lord Chatham, as being returned by an undue influence; one of them the best, the other the greatest man that ever lived; for he believed God never made a better man than the late duke of Newcastle; nor an abler statesman and sounder patriot than Mr. Pitt. But the complaint was dismissed by a majority of full three to one. The noble duke was naturally hospitable and generous, and he might have possibly given a few dinners on the occasion; nor would it be easy at any time, he believed, to prevent noble peers from concerning themselves in elections, either in a more direct or covert way. The matter was then very properly let to sleep, and he hoped the example would be followed on the present occasion, and this would likewise be let to sleep. That being his wish, he would move, "That the said report be taken into consideration on that day four months."

Mr. *Wilkes* observed, that the offence charged in the report was of a most atrocious nature, and was infinitely criminal in its nature and purport, by the aggravating circumstances which accompanied it. He repeated some of them and dwelt with great energy on them. He said, the cases compared by the noble lord were widely different; that the conduct of the deceased duke and the noble earl, was not a justification of the duke of Chandos; neither was the interference at all similar. One was influencing a borough election, of which no proof, further than giving a few dinners to the electors, was stated by the noble lord who made the motion; and, however great or able lord Chatham might be, he was far from thinking him infallible.

After a few words more, to the same purpose, the question was called for, and the gallery cleared; but the debate continued, in the course of which a motion was made for reading the Journals of the year 1702, containing a complaint against Lloyd, bishop of Worcester, for interfering in the election for that county. The proceedings being read, it appeared that sir John Packington, one of the candidates, had proved the interference of the right reverend prelate; in consequence of which, the House of Commons addressed queen Anne to remove him, for his corrupt practices, from the place he held near her ma-

jesty, that of almoner, which request the queen complied with.

The question was put, and the House divided on lord Nugent's motion: Yeas 87; Noes 30.

Debate on the Earl of Shelburne's Motion for a Committee of both Houses to enquire into the Public Expenditure.] Feb. 8. The Earl of *Shelburne* made his promised motion before the holidays, which was in the following words:

"That a Committee be appointed, consisting of members of both Houses, possessing neither employment nor pension, to examine without delay into the Public Expenditure and the mode of accounting for the same; more particularly into the manner of making all contracts, and at the same time to take into consideration, what saving can be made consistent with public dignity, justice and gratitude, by an abolition of old and new created offices, the duties of which have either ceased, or shall on enquiry prove inadequate to the fees, or other emoluments arising therefrom; or by the reduction of such salaries, or other allowances and profits as may appear to be unreasonable: that the same may be applied to lessen the present ruinous expenditure, and to enable us to carry on the present war against the House of Bourbon."

His lordship observed, that meaning to act openly, directly, and fairly, he had moved the proposition, which he meant to submit to their lordships full eight weeks since, in order that noble lords might be fully acquainted with its import, and the several great objects which it embraced. It had lain on the table full two months, and he had no doubt, as it contained matter of public interest, that it would meet with a full, grave, and impartial discussion. Before he proceeded further, he thought it his duty to inform their lordships, that he had, in conformity to a wish expressed by a noble friend (lord Coventry) made a trifling alteration towards the conclusion, as it stood in the address laid upon the table; he meant, part of the concluding sentence, after the word, "Bourbon." The words were, "with that decision and vigour, which can alone result from national zeal, confidence and unanimity." Independent of that trifling alteration, the motion in every other respect would stand in its original form; and before he went into the question as it stood in the motion, he wished

most sincerely that every noble lord who heard him, would clearly understand, that he meant not, by any means, to obtrude his own specific words on the House. He intreated their lordships to consider the motion as a hint, or recommendation to take up the matter substantially conveyed in it, and not attend to its mere form or texture. It was rather calculated to draw their lordships' attention, than to dictate to their judgment. These were his general ideas; these were the great and un-mixed objects he had in contemplation; these were the genuine sentiments of a man zealous and solicitous for the safety and welfare of his country.

The great point to which all his wishes tended, and to effect which his motion was chiefly framed, was to annihilate the undue influence, operating upon both Houses of Parliament, and to establish power in the place of it; a constitutional power, instead of an unconstitutional influence. The latter was the curse and bane, and would, if not timely eradicated, prove the destruction of this country; the former, whether described under the name of prerogative, or patronage, or the natural influence of the crown, grew out of the nature of the constitution. He would not confine himself to abstract opinion, he would explain what he meant. It was influence which had contributed so fully to the ruin of this country. It had got into our navy, into our army, into both Houses of Parliament, and into, in short, every department, both civil and military. It was the great source whence almost all promotion sprung, as it was the only direct and certain road to preferment. The constitutional power of the crown, in rewarding professional merit, in stimulating candidates for martial fame, to great and glorious actions; in exciting a noble, generous spirit of emulation, was lost in the accursed gulph of influence. The unworthy, the servile, and the grovelling rejoiced, because they saw when the power of the crown degenerated into mere influence, that the means most likely to procure preferment or favour, were of a nature perfectly congenial to their own mind. On the other hand, the able veteran, the man of high honour and distinguished integrity, was sure either to be overlooked, or to suffer daily causes of mortification and disgust. Such was the consequence of the undue influence of the crown, operating upon parliament, as contrasted with the solid, natural, constitutional power of the

crown, which formed part of the essential inherent rights and appendages of royalty, in this limited government; and which was what principally constituted the basis of the independence of the crown upon the other two branches of the legislature. The sovereign had the power of conferring all favours and graces, the appointment of officers, civil and military; the bestowing of titles of rank and honour, &c. These were high prerogatives, but were placed very properly, and of course gave him extensive influence; and attached those, who, in their different stations, experienced the notice of a gracious sovereign. But influence, as he observed before, reversed the whole order of things; the power which should solely originate with the prince, began in parliament; thence all pretensions to favour were established; and instead of considering the real claims, the personal vote or parliamentary weight and connections were put in the scale against long service, great abilities, experience, and all the qualifications necessary to constitute the statesman, the sailor, or the soldier. The crown thus became robbed of its native and proper influence, and an influence of another kind was substituted in its stead, as the price of creating an undue and unconstitutional influence in parliament. To restore to the crown its constitutional power, to render parliament independent, and place government upon its only true grounds, wisdom, justice, and public virtue, which will ever secure the confidence and affection of the people, was his most earnest wish; and that could not be effected without striking at the root, which appeared to him, (no matter from what cause, or how it came to grow to its present enormous growth) to exist now in parliament; in what he had to offer on the subject of his present motion, therefore, he should chiefly direct his argument that way.

His lordship then proceeded to state the whole of our financial system. By the last accounts he was able to procure, the national debt contracted since the commencement of the present war, would, at the close of the present session, amount to fifty millions at least, funded and unfunded, which, according to the terms the minister in the other House had negotiated the two last loans, would bear an interest of upwards of two millions and a half, if not three, per annum. The standing interest on the old loans, was nearly four millions and a half; in all, seven millions. He was then stating what the nation stood

bound to pay, at the very instant he was speaking; but allowing for argument's sake, that peace would be made in the course of the year 1780, of which he feared there was not the most distant prospect [Lord Sandwich gave an affirmative and significant nod]; he believed there was not a lord present who would say, that the year 1781 must not be a borrowing year; that is, that the expences of that year would considerably exceed the ordinary supplies. Add to this, arrears, contingent expences, not brought to account; and a great number of miscellaneous outgoings; he was fully justified in saying, that the whole of the national debt, old and new, would amount to the enormous sum of 200 millions, drawing after it an annual interest of about 8 millions. This was an alarming circumstance: but if to this consideration were added other circumstances and events, probable or certain, then indeed the most confident ought to be staggered, and the most firm be driven almost to despair.

What were they? Possible defeats; the destruction of our commerce; the capturing of our islands in the West Indies. An armed neutrality in Europe, an event in its consequences almost as fatal as open or avowed hostilities, he meant the resolutions, or at least threats, of the northern crowns and states, to preserve a free and uninterrupted navigation, and to protect their respective flags from the belligerent powers. These circumstances formed but a part of the political picture of this country. He did not wish to paint too strongly, nor surcharge it; but he was convinced, if the West Indies should be wrested from us by France, that under such a load of debts and increasing taxes, it would be impossible for this country, without the miraculous interposition of Providence, to subsist as an independent nation.

His lordship then entered into a long detail relative to the mode of contracting our public debts, the high rate of interest we were compelled to borrow at; and the shameful waste of public money, in every branch of the national expenditure. This led his lordship into a very wide field, and a long train of argumentative computations, which he wound up with remarkable ability, and with singular correctness, tracing the whole up to its true source, the minister in the other House. The minister had led the people into the present ruinous and disgraceful war imperceptibly by degrees, till he had so far plunged them, that there

was not a possibility of retreating. He had, indeed, put the most shameful and gross impositions on the country gentlemen. He first told them, that the riot at Boston arose merely from the turbulent temper of a few ungovernable spirits; that the province of Massachusetts Bay having neglected the duty she owed her sovereign and the British parliament, must feel the resentment of this country; and that the Act for shutting up the harbour and port of Boston, and the other measures which naturally accompanied it, would immediately operate so as to bring them to a proper sense of their duty, on which basis the claims of the crown and parliament of Great Britain would be so firmly established, as never hereafter to be shaken. This was the first step taken by the minister. To obviate every objection which might be urged against an eventual civil war, the naval and military establishments were voted as in a time of peace; and the acts alluded to, were represented in both Houses of parliament, by the confidential servants of the crown, as no more than mere authoritative mandates or requisitions, to the inhabitants of Boston in particular, and the province of Massachusetts Bay in general, which were to meet with a ready and prompt obedience.

A new parliament was convened, by a premature dissolution of the former; and the minister's promises and predictions having failed, a repetition of the same solemn farce was displayed. The colonies were found to be refractory; the cause of the town of Boston and the province of Massachusetts Bay, was made the common cause of all the British provinces of North America. A congress assembled in the interim, at Philadelphia, and the whole continent seemed to breathe but one spirit. Notwithstanding this, the minister foresaw the difficulties he would have had to encounter with, and therefore continued to conceal his intentions: general Gage was at the time sustaining a kind of siege in the capital of his government. The parliament were, however, to be seduced. The same language, as in the former year, was resorted to; and when the supplies came to be granted by the new parliament, not a single additional soldier was voted; and still more strange to tell, though the war, if it should take place, must have been a maritime war, every fifth seaman was discharged, by the navy estimate of that year, having been reduced from 20 to 16,000 men.

A strong indication, however, of an approaching rupture between the parent state and its American subjects, having appeared by the accounts received during the Christmas recess, immediately after the holidays, the most solemn mockery that ever disgraced a British senate was exhibited; namely, an augmentation of 4,000 military, without the addition of a single seaman. But if nothing was to be effected by force, the minister's golden conciliatory proposition was to effect wonders; the people of the colonies were to tax themselves; the ministers determining the quantum of what was to be raised, and the province of Massachusetts was marked out as a proper object of punishment, and its inhabitants were declared to be in rebellion. The conduct of the minister on this occasion was curious beyond example. Before the proposition, insidious as it was, could reach America, the conversion of the people was to be effected in a much more speedy and effectual manner; private orders were dispatched to general Gage to commence hostilities, before the sentiments of the colonies could be known respecting the noble lord's conciliatory proposition; and the first fruits of this mixture of folly, treachery and violence, were the fatal affair at Bunker's-hill, which happened some weeks before the ultimatum of the parliament could be known, and of course accepted or rejected.

The last act, he meant the proceedings of the parliament in the second session, unfolded the mystery. Two engagements had taken place, in the course of the summer, between the king's troops and the provincials; the authority of the mother country was openly disclaimed; and the minister for the first time appeared in his proper colours. A new and active minister was taken into the King's councils (lord G. Germain) the high sounding terms of the omnipotence of parliament, its supremacy, and the unconditional obedience of our rebellious subjects, became the creed of the court; and were reverberated day after day from the walls of both Houses; an augmented navy and a land force of 10,000 men, were the means pointed out, for giving these extraordinary and absurd doctrines a constitutional and effectual establishment; and the whole ended in the famous Bill, which denounced war against the inhabitants of one third of the British empire. Here terminated the first part of the minister's conduct. He

led the country gentlemen, step by step, precisely into that situation, in which it became almost impossible for them to recede; and having worked upon the passions and prejudices of the people; he rendered his measures popular for a time, and turned their resentments from the authors of the impending mischiefs, towards the very persons whom they were endeavouring to oppress and enslave. He persuaded the parliament and the people, that it was their cause he was defending and maintaining; and conjured up one of the strongest incitements to measures of hazard and violence, that of uniting duty with interest.

Such were the means resorted to in the first stages of this unfortunate business, and such the arts of seduction employed in order to lead the country gentlemen and the nation blindfold to their ruin. Plunged into a fatal civil war, there was one point however, which if not well qualified or concealed, might have cut up the whole system; that was, to hold out some object to the country gentlemen, which should apparently balance the risk, or at all events, should balance the certain expence of carrying on a war at 3,000 miles distance. These matters challenged the consideration of those who were to lay burthens upon themselves and their constituents; namely, the probability of success, and the consequences of it, a reimbursement of the expences to be incurred in the prosecution of the war; and whether or not means might not be found to prevent the effusion of blood, and the waste of national treasure, by holding out conditions to the colonies, by which on one hand, the rights of the crown and parliament might be asserted and secured; and the people of America satisfied that it was meant to make them subjects, not slaves.

The minister in the other House, and his new colleague in office, undertook the task; they both assured the country gentlemen, that they should have a clear, specific, substantive revenue; that unconditional submission on the part of the Americans, would amount to a full recognition of the right of the mother country; and at the same time, that a commission under the authority of the Prohibitory Act, would be sent out with the ultimatum, which would contain propositions of such a nature, as must take away every pretext from those in rebellion for further resistance, unless they were determined

openly to disclaim all connection, and throw off all dependence on the crown and parliament of Great Britain.

He should pass over what passed in consequence of that delusive bill, and that pretended commission. A bill declaring open war against one third of our own subjects; a commission nugatory in itself, and secretly determined to have no effect or operation, but what was to derive from the point of the bayonet. In this state of things, a period of upwards of seven months from the passing of the Prohibitory Act, the Congress openly avowed their independency; and in a few weeks after, lord Howe and his brother arrived with their pretended commission, without any one additional power, but an offer, in case the insurgents should lay down their arms, of their being restored to the King's peace, or in other words, an offer of pardon upon agreeing to unconditional submission.

He begged their lordships' pardon for detaining them with a detail which had been so often much more ably stated by several noble lords; nor should he have troubled their lordships, had not the particulars now mentioned, directly led to, and had special reference, to what he was proceeding to more fully explain. In the course of two years, one of which was a year of open war and great expensive preparation, not a shilling was borrowed. The necessary expenditure was carefully held back, and concealed from the public eye; nor was it till the end of two years and three months, that parliament was applied to, and that, but for a trifling sum. The sinking fund bore every thing, and what with the managements and anticipations, the credit of the Bank, and the mode of contracting the unfunded debts, it was not till towards the conclusion of the session 1776, that the minister applied for a loan of two millions, to pay the interest of which, he laid on some trifling particulars, to be felt only by a few individuals. The next year luxury was to be taxed. The nation was not alarmed; the mass of the people were not to be much affected by taxes laid upon servants and auctions. Another year produced a tax upon houses. None but the opulent had a right to complain. A fourth year arrived, and then none but those who travelled in post chaises felt the pressure of the new burthens. Here, as in the outset of this business, the body of the people were kept

in the dark. Parliament were in the first instance seduced into war; in the second, the nation itself.

But what was the consequence? What has ever proved the consequence of ministerial imposition, and political seduction? A debt of upwards of 20 millions was artfully, and as it were by stealth, contracted in this manner, drawing after it an interest of upwards of a million per annum, which interest was to arise from pretended delusive taxes, producing little more than one half of what they were taken for; and now the awful moment presents itself, in which the people themselves must not only bear the pressure of new taxes, but must provide likewise for the deficiencies of those they imagined would have been exclusively borne by the superior classes, and by the opulent in general of every denomination and description. If in the first instance, the country gentlemen had foreseen, that they were entering into a war, which might eventually lead to the mortgaging their lands in perpetuity, for upon them in one shape or other the taxes will ultimately lie; or if, on the other hand, the nation in general thought, when they wished that their brethren in America should contribute towards the existing burthens, it might possibly end in doubling those burthens, not in lightening them, neither the parliament nor people would have ever consented to the sanguinary measures, which had led us into our present critical situation.

Here, then, it was self-evident, that the minister of the other House was responsible to parliament and the people, and had used those powers entrusted to him only for the bad purposes to delude and deceive. He borrowed, year after year, upon fictitious and unproductive taxes, and anticipated the produce of the sinking fund to answer his own views; one time employing it without the consent of parliament; another, anticipating it, in order to keep the evil day as far off as possible. We must come to that exact period, when all this management would, nor could avail nothing. Twelve or fourteen millions must be borrowed in a few days; the deficiencies of the new taxes laid the three last years must be provided for, the whole amounting to at least one million per annum. There were, besides, fourteen or fifteen millions of debt to be funded; and at least ten or twelve millions more to be borrowed or provided for, in the course of the next session. That is, speaking within

compass, taxes to the amount of two millions per annum more must be laid upon the people of this country, within the space of two years at the furthest, from the instant he was speaking.

Many pleasing prospects had been held out by speculative writers, substantially importing, that the treasures of this country were inexhaustible. The India Company, the private brewery, places of entertainment, a professional tax, were all talked of; every hole and corner of Europe was ransacked. France and Holland were called in to assist the very able speculative financier who entertained the public, from Tunbridge and Greenwich (Mr. Eden) and who addressed his epistolary correspondence to the noble lord in his eye, (lord Carlisle) even such was the eagle-penetrating eye of the profound letter writer, that he had not permitted either the sinking fund, nor even the unappropriated taxes laid from year to year, to escape his profound researches.

Here his lordship considered the different taxes spoken of in the epistolary correspondence alluded to; and commented regularly upon every one of them. Upon the prospect of procuring great aid from the India Company, by way of compensation for the renewal of their charter, he observed, when he was in administration, he remembered, that a plan apparently well concerted for drawing a very considerable pecuniary aid from that Company was laid before him, and the rest of his Majesty's confidential servants. Persuaded from the flattering appearances held forth, that great assistance might have been derived through that channel, he voted with his colleagues in office, on that occasion, which he would never have consented to do, had not he imagined, that the measure would prove equally beneficial to the company and the state; but what was the issue of this specious and alluring prospect? Ministers and the directors had secretly joined in a confederacy to prostitute the interests, one of the proprietors, the other of the public; and the whole of the business was meant to promote the personal interests of the former, and to create or enlarge the patronage of the latter. He was warranted to say so from an immediate view of the propositions on the carpet at present. This valuable trade had become a new fund in the hands of ministers for the advance of patronage, and directors, still more careless of their trust, more corrupt, more

abandoned than ministers, had permitted the trade to be converted into this shameful abuse, and had sacrificed those interests, which it was their mutual duty to protect and extend, to their own private emolument and ambitious views.

His lordship, after speaking of several other particulars relative to the new loan, observed, that the power of the minister over the public purse, was a matter much to be lamented, and was big with national calamity. It was the abuse of this power, in the early stages of the fatal business respecting America, that led us into the civil war; that hood-winked us though on the very verge of an awful precipice; that lost us our colonies; and at length involved us in a war with France and Spain, and finally, which was worse than all, it was the possession of the purse, emptied without controul in the first instance, and without account in the latter, that created that corrupt and dangerous influence in parliament, which, while it put into his hands the means of delusion, at the same time served to fortify him in his mad career, and that, too, without even a prospect of punishing him for the enormity of his crimes. If it had amounted merely to a waste of public money; if people were burdened only to gratify the prostitute, unprincipled and avaricious, the evil, though great, might be remedied; but when the crime was coupled with more fatal consequences, of procuring majorities, to support a wicked, bloody, and unjust war; when it was the price paid for dis severing her colonies from the British empire; when it enabled ministers to seduce the nation into a war with the united power of the House of Bourbon; and finally, when it was the cause of spilling the blood of 100,000 British subjects, then indeed, the power of such a minister, so employed, was a greater curse by far, and deserved more to be deprecated, than pestilence or famine.

To prevent the continuance of those evils; to defeat this corrupt and fatal influence, the motion which he had the honour to present was solely intended; and in order that noble lords might the more fully understand what he meant, he begged leave to state the evil in detail, and the remedy which he meant to apply. The mode of incurring the public expenditure, and of voting the supplies, and accounting for the monies so voted, all united in creating this corrupt and unconstitutional power which he had been describing.

The two principal sources were the army and navy extraordinaries, or navy debt. The estimates for both services were regularly voted, but the manner in which that matter was at present conducted, was little better than a mere farce; for if, on one hand, the commander or commanders in chief could incur debts, which were afterwards to be made good by parliament, and the Admiralty-board run the nation, in the course of two years and a half, nearly eight millions in debt, which, in the latter instance, he understood was the fact, to what purpose did that, or the other House assemble; for in his apprehension, it made no kind of difference whether parliament gave its sanction or not, if parliament stood bound to discharge the debt the very moment it was incurred? And what was a little more extraordinary, if no account was to be given till at the end of 15 or 20 years, when all the parties concerned were dead, or all the material circumstances forgotten. The temptations held out to ministers, and every person acting in subordination under them, were infinite in number, and irresistible in their nature. If vouchers were demanded, the answer was, no vouchers could be obtained. The commander in chief, or admiralty board, drew upon the treasury to any amount they pleased; warrants were struck in consequence of such requisitions; and if questions were asked, the answer given was, that the vouchers were not come to hand; that when they did, ministers had nothing to do with them; for they were referred to the officers of the exchequer, auditors of the imprest, auditor, teller, chamberlain, &c. so that money, to any amount, and for any purpose, might be issued, consequently, as the debt was contracted without the previous consent or approbation of parliament, so neither was parliament to be informed or satisfied, in what manner the money was expended.

Here his lordship entered into a long detail concerning the mode of voting the army extraordinaries, and was extremely severe upon contractors in general; particularly such of them as enjoyed seats in parliament, contending, that they were a curse to this country; for it was not only the immense fortunes they amassed by public rapine and plunder, but the undue and corrupt influence they put into the hands of the minister. His lordship, in support of this assertion, read several items, out of the army extraordinaries of the preceding year, and affirmed, that in

the annals of public speculation, nothing of the kind had ever before happened. So much to this governor, so much to that; 60 or 70,000*l.* to Mr. Stuart, the superintendent of Indian affairs, for beads, tomahawks and scalping knives; 40,000*l.* paid to a superintendent or provision commissary at Cork, for doing nothing, but barely doing the duty of the merchant contractor. The rations shipped at Cork charged almost double what they were during the late war; the transport service for conveying those provisions amounting to immense sums, and above all, the contracts of the celebrated Mr. Atkinson, and the gold contractors, Messrs. Harley and Drummond; in short, the whole bore such an appearance, as was sufficient to fill every honest breast with indignation.

To remedy these enormous evils, he wished to have a commission of accounts instituted, conformable to those passed in the reigns of William and Anne, almost regularly from the 2nd year after the Revolution, to the 1st of Geo. 1, in 1715, which was the last. He acknowledged, that those acts had not always answered the public expectation; but no person in the least conversant in the parliamentary or political history of this country, could be a stranger to the great advantages of those acts, which at length became in a great measure annual, and accompanied the annual grants. The wisdom of the illustrious statesman who prompted and countenanced those commissions, whether in or out of place, for near thirty years, spoke more forcibly in the favour of such acts, than any thing he could urge. It was enough to observe, that if they did not answer every thing which might be expected from them, they were the cause of detecting and reforming many flagrant abuses, which had crept into the expenditure of the public money; the recalling of improper grants made by the crown; the discovering several notorious frauds, and of bringing home corruption to many members of the other House, particularly in the reign of king William.

His lordship then gave a narrative of the means resorted to by him for preparing himself for the task he had undertaken. He had often directed his enquiries to the mode of passing the accounts at the exchequer. He had enquired, when in office, and when out, of every person who he imagined could help him to information, upon so dark, complex, and difficult a subject; but whatever was the cause,

he found he could never gain any leading light to direct him to a further enquiry. All beyond the office of the person to whom he applied, was involved in ignorance and obscurity, and within the circumscribed view of his informant, every thing was buried in chaos and endless obscurity. He made other attempts. The late Mr. West's papers, who had passed so many years in the exchequer, were submitted to his perusal; he kept them, and gave the possessor a gratuity for them. He perused and examined them with all possible attention and industry; and all he could fairly gather from them was, that there were many gross defects in the mode of passing, auditing, &c. the public accounts; but was free to confess he could learn nothing which enabled him to point out an effectual and specific remedy.

Under those several impositions which he had related to their lordships, he became more and more convinced, that the delays, &c. arising from the paying in and issuing the public monies, particularly when the expenditure amounted, upon an average, to twenty millions per annum, must continue to extend and increase. His idea, therefore, would be, that a committee should be appointed to devise some means for putting the whole of the receipts and out-goings upon a more clear and simple footing. In the first place, he was of opinion, should a committee be appointed in pursuance of the motion, that every shilling raised upon the subject from its first receipt, till it finally reached the hands destined to issue it for the public service, throughout its several stages, should be marked and ascertained, and so regularly back from its first issue, till it got into the hand of the soldier, seaman, &c. for whose use it was, at the time of voting, originally intended. In the second place, it was his intention to open all contracts of every kind, so far as the same might be consonant to the safety and general interests of the state. Thirdly, to abolish all those sinecure places and useless offices, to which high salaries and emoluments were annexed, which, upon examination, should be found to come within that description. And fourthly, to abolish such offices, whether apparently offensive or not, that answered no other end but that of increasing the undue and unconstitutional influence of the crown. He enlarged on each of the foregoing heads; and assigned his reasons for the necessity of such a reform, in a long and

able detail, and strengthened several of them by facts reported from the two first reigns, subsequent to the Revolution, particularly towards the close of the reign of queen Anne.

His lordship in conclusion, earnestly intreated ministers not to procrastinate, and begged leave to remind them that the temper of the nation was such, as not to bear to be much longer amused or insulted, with little evasive arts and subterfuges, or the more strong conduct of treating the wishes of the people with unfeeling contempt. His Majesty's ministers had long since lost the confidence of the people; they had too long imposed upon, seduced, and insulted them. The nation was in a state of complicated difficulty and distress. We were engaged in a war with two very formidable powers; we were engaged in a war besides, with one third of our own subjects; the whole of which composed a decided majority against us, which necessarily set peace at a greater distance than at any former period. Compelled, then, to bear the struggle, to labour in the unequal contest, it was the indispensable duty of ministers, it was the indispensable duty of their lordships, as the great constitutional advisers of their sovereign, and the guardians of the state and people, to meet that contest with all possible firmness and resolution; the surest and most efficacious of which would be national œconomy, in the first instance; and a wise, prudent, and faithful employment of the public treasures, in the second.

The Earl of *Coventry* rose to second the motion, and confirmed almost every thing which had been advanced by the noble mover. He said, he had spent the greatest part of the last recess in the country, and was both astonished and mortified to find all his apprehensions so fully realized, relative to the fall of rents, and the decrease in the value of land. We had lately heard of a striking instance of the decrease in the value of landed property. It was in respect of the sale in the manor of Herton, in Northamptonshire, the estate of the late earl of Halifax; and this estate, which would have brought full thirty years purchase but a few years since, though it had been twice bought in by the trustees, was at length sold for eighteen years purchase. This served as a standard whereby to estimate the value of the whole landed property of the kingdom. He therefore submitted to

their lordships' serious consideration, whether it did not behove them to exert themselves to the utmost, to promote the most rigid œconomy, which would, in its effects, set limits to the necessary national exertions; but such as might tend, in the first instance, to lighten the burthens of the people, or prevent, rather, one part of the community from oppressing and preying upon the other; and likewise direct the treasures of the nation into their proper channels, the employing them specifically in carrying into execution measures for destroying and defeating the designs of our foreign enemies. In the midst of our public calamities, his lordship said, he could perceive one ray of hope break in, which was, that a majority of the nation seemed to be of opinion, that nothing but a general reform could save this country. A change of ministry, and an œconomical expenditure of the public money, was the general cry; and he trusted, if the people themselves were sincere, that the salvation of the country might be yet effected.

The Earl of *Carlisle* said, he highly approved of the principle on which the present motion was founded. It was a most meritorious attempt, and highly deserving of the attention of every noble lord present. He lamented, however, that it should contain any thing calculated to exclude a certain description of their lordships, in which he was of course included, namely, such as enjoyed any office or place of profit under the crown. The present was a most perilous crisis, and he thought it extremely ill-judged, to exclude any noble lord from rendering every assistance to his country at such a crisis. On the whole, as that part of the motion would deprive the committee proposed by it, of the assistance of some of the ablest and first characters in the kingdom; and as he most cordially approved of the object which the motion pointed to, that of promoting a general reform, and of introducing a more œconomical mode of expending, issuing, and accounting for the public money, he found himself in the disagreeable predicament of not being permitted to give a vote either way; but were the objection now stated removed, the propositions must of course meet with his most hearty assent.

Lord *Fauconberg* passed several high encomiums on the public and private virtues of the sovereign, and said he was ready to give up his emoluments amounting to about 1,600*l.* a year, [lord of the

bed-chamber and colonel of a new raised regiment] towards supplying the public exigencies of the state. He had an ample fortune, and was persuaded, that none who knew him suspected that he became a placeman for the sake of emolument. He accepted what he now held under his sovereign as a mark of his sovereign's regard; he accepted it with gratitude, and thought himself highly honoured with such a mark of his Majesty's gracious favour, and thought it a most injurious insinuation to hold out to the public, that no person who enjoyed a place under the crown, was fit to be trusted in a plan for promoting the interests of his country and working its salvation. The motion moved by the noble earl, seemed to convey something of that kind, and as such he should give it a willing negative.

Lord *Stormont* went into a detailed reply to the noble lord who made the motion, against which, he said, he had two principal objections. The first was the impropriety, and indeed incompetency of one House of Parliament coming to a resolution which went eventually to bind the proceedings of the other. This was evidently deducible from the first paragraph in the motion. It was therefore in the highest degree absurd and nugatory to resolve or vote that which when resolved or voted, carried with it no efficacy whatever without those walls. The second objection which, in his opinion, was an incurable one, was the improper interference of this House, in the first instance of enquiring into, reforming, and controlling the public expenditure. This was a point in the other House, and an inherent privilege they would never part with upon any account. It must miscarry if attempted, and would probably be attended with most fatal consequences. His lordship observed, that such disputes had arisen in the beginning of queen Anne's reign, which produced great heats and disagreements within doors, and much dissatisfaction and discontent without; insomuch that the queen was obliged to dissolve her parliament, in order to prevent matters from being brought to extremity. Contests between both Houses ought, at all times, to be carefully provided against, much more so in seasons of great difficulty, such as the present confessedly was, when of course harmony and mutual confidence were become indispensibly necessary to the carrying on of public business. Independent of these two main objections, the form of

the motion, in point of mere order, was contrary to the established mode of proceeding. The noble lord had mentioned the accountant bills passed during the reigns of William and Anne; but had very properly observed that they were discontinued since the year 1715. Why so? Because they were found to have proved nugatory as to the attainment of any substantial object; and had been promoted by party. However, soon after the accession of the House of Hanover, when that illustrious family came to be more firmly established on the throne; when faction was crushed, and the fluctuation of councils which distracted the two preceding reigns, gave way to stability, there was an end to the annual law, as the noble earl called it, of examining, controlling, and stating the public accounts of the kingdom. Neither was that wise prince king William at all times able to keep his two Houses of Parliament in temper with each other. He had lamented it to his most confidential friends, and was often heard to say, that disputes between deliberative bodies, independent of each other, were the most dangerous, not only on account of their importance, but that experience had convinced him that it was next to impossible to bring about a reconciliation; any acknowledgment of error on either side being interpreted to be an acknowledgment of superiority to the party to whom the concession might be made.

His lordship made several severe strictures on the motive for bringing forward such a motion at the present time. He affirmed that it was meant to combine the motion with the petitions now before, and daily presenting to the other House, and as the petitions themselves had been promoted by the most unjustifiable means, so the motion was meant to bear a relation to them, in order to embarrass government, and throw an odium on his Majesty's confidential advisers. He did not mean to say that the noble lord had any such intention; but the motion would operate in that way. The petitions were founded in no better than absurd, impracticable notions of public reformation, and specious theories, calculated to mislead the nation, because directed to what, if attainable at all, must in fact undermine the constitution, and lead to public confusion. He concluded with giving the motion his hearty negative.

The Duke of *Grafton* said, he was surprised to hear the noble viscount labour

the point of informality so much, and scarce say a syllable to the question. Was there nothing that stood in the way of his noble friend's motion but the mere point of informality? If that was the only objection against the proposition it might be soon removed; and he was persuaded he could answer so far for the temper of his noble friend, and the object he had in view, that he would cheerfully consent to have it modified in any manner the noble viscount might point out, in order to get clear of that objection. The principle of the motion, public reformation and national oeconomy, formed the great object; no matter how the motion was new framed, altered, and modified, so that these were promoted. He should not follow his noble friend throughout his very able detail; there was one point which he must confess made a deep impression on his mind; he meant the state of this country, within and without, in respect of our foreign enemies, the state of our finances, our increasing burdens, decreasing means, and domestic discontents; and such being the case, he cordially agreed, that it was a duty incumbent on every noble lord, to assist in carrying the intention of the motion into effectual execution. Particular objections had been made by two noble earls to that part of the motion which forbade those holding places or enjoying offices of trust or profit under the crown, to constitute any part of the committee. Here again, he made no doubt, knowing, as he did, the personal candour and warm zeal of his noble friend, that he would concede, if nothing else should stand between him and his wishes.

The noble viscount in high office had charged the county meetings with having originated in faction, and having been set on foot, promoted, and upheld by factious arts, by popular delusions, &c. He wished, as much as possible, to abstain from strong language; but whatever his provocation might be, he would content himself with assuring that noble viscount that he was grossly mistaken if he trusted to his own judgment, and grossly misled and abused if he trusted to the information of others. He could speak himself as an eye and ear witness, being just returned from the country; and from his own certain knowledge could lay his hand on his breast, and declare upon his honour, that the spirit of discontent and dissatisfaction was almost universally gone forth; and he begged leave to advertise their lordships of ano-

ther circumstance, which had been evidently misunderstood by the noble lord, namely, that as the petitions were promoted by factious arts, and party management in some counties, so in others, and a majority too of the counties, the freeholders had refused to petition, which was at least a tacit disapprobation of petitions in general. This he could affirm was not the case; for he was equally satisfied that the counties that did not or would not petition, were as zealous friends to public œconomy as those who had. He knew himself two counties (Northampton and Suffolk) where he occasionally resided, and was well acquainted with, which had not petitioned, yet he believed no man in the least acquainted with either would venture to say that they were not zealous friends to public reform and national œconomy. Those counties might have been influenced by local and particular motives; but he had not a single doubt but they earnestly desired to see the objects of those petitions unequivocally obtained.

He implored their lordships seriously to look forward. For his own part, he trembled for the fate of his country, should parliament turn a deaf ear to the complaints of the people, and that on a ground the most irritating and insulting, namely, that the grievances complained of were ideal, were merely the creatures of faction, and had no other object but the turning out the present ministry, in order that those who had fomented the public discontents might succeed to their power and places. This, in his opinion, was the highest possible aggravation of public oppression and mal-administration, and could not fail of creating the most lively and just resentment in the breasts of those who found themselves not only most cruelly oppressed and ill governed, but loaded at the same time with the basest calumnies.

The noble viscount had been so hardy as to deny the acting influence of the crown. When the noble lord did so, he confessed he felt the greatest astonishment: he believed there was not a single lord who heard him that might not, from his own experience, hazard a direct contradiction, supported by some one circumstance arising within his own knowledge. Were there no boroughs at the disposal of the crown? Were there no permanent motives, which, in a greater or less degree, operated upon and influenced every description of men, from the highest to the lowest? Were there no brothers, rela-

tions, friends, or children to be provided for, and for which the crown had the power of making the desired or expected provision; most certainly. Many could be gratified in this way who would decline a proffered favour in any other. The age was dissipated; splendour, magnificence, an appearance of great wealth, and great parade and expence, distinguished the present from any which preceded it. He did not mean to include in this description the mere profligate or spendthrift, nor the notoriously vicious. The persons on whom the influence he alluded to chiefly operated were men of another cast, of a different tenor of conduct. They sought only the conveniencies of life, suited to their ranks and respective situations. For his part, he was happy to be a father of a young family, unprovided for in a great measure, and he could not say but he felt much, and had his struggles; but he had the satisfaction to add that he had resolution to overcome them.

Before he sat down, he begged leave to take notice of an expression which had fallen from the noble viscount, relative to pushing the reformation and plan of œconomy farther than was expressed in the motion. The noble viscount had alluded to something which personally concerned himself, as enjoying a place under government, as well as to a particular emolument enjoyed by the noble duke near him (Richmond.) All he could say was, the place he held came to him as a part of his patrimony, and was already settled on his children. He would add, that it composed the principal provision for his family, as well as his own immediate support; but yet, if the reformation should become general, and it should be thought necessary to include him in the plan, whatever might be the consequence to himself, however trying it might be to see his family stripped of their patrimony, he should submit, and upon this principle, that whatever remnant should remain to them would be more valuable in proportion as the liberties of the nation stood upon a more permanent basis; for either in his own person, or that of his representatives, he should think that a small competence under a free government was infinitely preferable to any enjoyment of power, rank, and property, under a despotic one. His noble friend near him stood in the same predicament; and by every thing he could learn of his frame of mind and sentiments, he was clearly satisfied, that if the reformation

should be pushed the length the noble viscount seemed to hint, the noble duke would cheerfully part with what he was to give up, in consideration of what was to be received in return. Whether any such general and uniform reformation was in contemplation or not, he begged leave to assure the noble viscount, that neither the noble duke nor he were to be deterred from the discharge of their duty, by any dark hints and half threats against their private fortunes.

The Marquis of *Carmarthen* (lord Osborne) said he rose to give his assent to the motion, as he thought it the only means of preserving this country from inevitable ruin, by promoting union among all ranks and descriptions of men, and of course restoring energy and confidence to government. The noble viscount in office disapproved not only of the form in which the noble lord's motion was drawn up, but of the substance of it; nay more, his lordship had condemned it in the lump, merely from its bearing a seeming affinity to the county petitions. For his part, he was free to declare, that the very circumstances of disapprobation stated by the noble viscount highly recommended the motion to him. He applauded the principle of the petitions; they breathed the same spirit with the present motion. A most respectable body of gentlemen, clergy, and freeholders, had called a meeting in the county over part of which he had the honour to preside as lord lieutenant (York). He was invited to that meeting, but was prevented by private business from attending. The proceedings at that meeting, so far as they corresponded with the present motion, met his ideas very fully, though he could not say he approved of the associations or committees of correspondence. He spoke out, he said, on the occasion: he wrote to the committee after they had agreed to the resolutions, assigned the reason of his absence, and his sentiments how far he approved or disapproved of their proceedings. But if he had entertained a doubt of the propriety of the conduct of the Yorkshire petitioners, he soon had grounds sufficient to determine his opinion; he meant the mean, shabby, pitiful, unwarrantable means employed, to deter by threats, or by persuasions to prevent, the freeholders from assembling; means and arts so pitiful, shabby, and despicable, as fully proved that the authors of them were conscious of the badness of their cause, and that they hoped to weigh

down truth and justice by the strong hand of power, or by imposition and chicanery.

He said he had a few days since resigned a place in the household [vice-chamberlain to the Queen] the occupying of which he should ever esteem one of the greatest honours of his life. Why had he resigned it? Because his duty to his sovereign and his country, and a regard for his own honour, would not permit him longer to retain it. He could no longer give his support to a ministry which had, after a series of repeated trials, proved themselves pusillanimous, incapable and corrupt; who had brought the nation to the brink of destruction, and still persisted to plunge it deeper into calamity and danger. They were the curse of this country, and he feared would prove its ruin. One of them from his deserved ignominy, and the other from his criminal indolence and neglect [supposed to mean lords Sandwich and North] the former, when the talents and abilities were most wanting, driving almost every man of a certain description from the service by insult and bad treatment. These were the reasons which induced him to resign his place in the household. While he remained in place, he did not think it decent to oppose government. He could not in conscience absent himself from his duty in parliament at so momentous a crisis; the only method which therefore presented itself to him, to get rid of the embarrassment, was to resign. But what had been the consequence of this moderate conduct? That of dismissing him that morning from an office he held under the crown, the lord lieutenantcy of the East Riding of the county of York. He did not pretend to say who it was that advised this measure: but let it have come from whom it might, he despised the little, mean resentment which gave it birth, laughed at the folly, and felt the injustice and intended insult as he ought.

The Earl of *Chesterfield* contended, that the majority of the people were extremely well contented under the present government, and that the county petitions, &c. were the last struggles of an expiring faction, who in one instance, by inflammatory speeches and misrepresentations, had endeavoured to promote insurrections in Ireland; and by similar means, having failed in that attempt, now sought to sow dissension in this kingdom: but he had no doubt that measures equally wise and efficacious to those which had been adopted

in respect to the sister kingdom, would likewise defeat the designs of such as wished to involve their country in civil confusion. His lordship strongly objected to that part of the motion which went to exclude persons enjoying places under government from the committee, as it imported, that whoever was called upon to serve his sovereign, was by that circumstance incapacitated from serving his country. Such an idea was no less ungenerous than unjust: if applied as a general principle, it included almost every noble lord present. If a particular application was made of it, it amounted to an actual condemnation of all his Majesty's servants: without a tittle of proof to support it. So far as he was concerned, he had no interest in rising: for he neither enjoyed emolument or pension under government: but still he felt for the implied censure passed on those who did, and the insult intended upon all his Majesty's servants! but if the exclusion was indecent and unjust, it was no less absurd; for what did it say? That a committee should be appointed of members, "possessing neither emolument or pension." Who were to judge of the report to be made by this committee? Most certainly the House; so that in fact, the resolution moved could mean nothing more than a mere insult to the description of persons excluded; because, in the dernier resort, the power of agreeing or disagreeing with the committee would lie in the House, and the persons excluded in the first instance would be finally re-invested with it in the second. An expression had fallen from the noble marquis who spoke last, that deserved a word or two in answer. The noble lord had talked of the ignominy of one of his Majesty's ministers, and the inactivity, indolence, and inability of another; the former of whom, he said, had driven some of the ablest officers from the service. He begged leave to differ from the noble lord, both as to the general charge, and the fact. He was persuaded that the noble earl at the head of a certain board had proved himself an able minister and real friend to his country; and that no man was farther from wishing to disgrace those who were employed in the line of service over which he presided.

The Marquis of *Carmarthen* said, he was ready to re-state his words. Men of the highest professional merit had been driven from the service by the noble earl alluded to: and he was free to declare,

that he thought it impossible for any man of honour to serve while the noble earl continued in his present office. The best men were driven from the service, or deterred from accepting a command under such an administration. Every man who accepted of a command, accepted of it on the conditions of a double peril; that of being employed and deceived; and of being certain, that those who deceived him, would be the first, as they were known to be the most powerful, in effecting his disgrace. He should not enter into detail, or quote names, as he imagined it would be totally unnecessary to descend to particulars, for every person who had been employed stood almost in the same predicament; and from what had happened, he was entitled to say, that no man of ability, or who regarded his honour, could serve in the navy, as long as the present first commissioner of the Admiralty continued to preside at that board.

The Earl of *Sandwich* protested, that he was at a loss to know which of his Majesty's ministers the noble lord who spoke last alluded to when he first rose; and he should have left the House in the same state of ignorance, had not his noble friend called forth the explanation now given by the noble lord. He desired, however, to assure the noble lord, that he was totally misinformed or mistaken; for he defied any noble lord to state it in his place, as a fact, that any one professional man had refused to serve in the navy, and assigned the cause to be, that he continued to preside at the Admiralty-board. He could prove the fact to be otherwise, if necessary. He could say, that some of the persons he presumed the noble lord alluded to, had offered their services, and one (admiral *Barrington*) had been already actually employed; and upon the whole, if the noble lord would endeavour to recollect himself, he was persuaded, that among all the refusals to serve, he could not produce a single instance in which his remaining in his present situation was assigned as the motive for such refusal.

The noble mover had said, that there was little prospect of peace, and that the "trifling successes we had lately obtained served only to remove peace at a greater distance;" which was one of the motives urged by his lordship to shew, that a plan of œconomy, upon the idea of a long protracted war, was still become

more necessary. He believed no noble lord would seriously deny, that economy at all times was not necessary, but much more so when we were engaged in an expensive war; particularly a war accompanied with so many novel circumstances and difficulties, a formidable confederacy of our inveterate and natural enemies, still further reinforced and strengthened by a very considerable part of our own subjects in open rebellion, not only against our authority, but leagued with our foreign foes for our final destruction. This he confessed was not only novel, but a most alarming state of things: but the novelty and danger, however great, was no ground for despondency; its magnitude called for a suitable resistance, and success could only be expected in proportion to the vigour and extent of our exertions. The noble earl, however, when he spoke of our trifling successes, should have attended to the particulars on which the assertion was founded. He differed widely from the noble lord when he called our successes trifling: he thought in many instances they were far from trifling, and in others, that they led naturally to great probable advantages.

It was true France had taken, in the course of the war, from us, one or two islands in the West Indies. On the other hand, we had taken one from them, and driven them entirely out of the East, there not being a French flag then flying in all Asia. In North America they had been shamefully defeated in their attempt upon Savannah; and they had, after all their boasts, been obliged to fly from the West Indies, where it was well known we had a confessed superiority. It was true, reports had been spread, that a formidable force had sailed from France for the West Indies. He hardly believed it; but whether or not, he was fully persuaded that we should have a superior force to that of France in the West Indies the ensuing campaign. It would not at present be prudent to speak out, nor was it possible to speak with certainty; but he had good reason to hope and believe, that some other strokes would be shortly struck, which would give us a decided superiority over our enemies, in point of aggregate success, in the contemplation of national comparison. He did not see, therefore, how the noble lord could call our successes trifling; they were far from it; they had been already decisive in the East Indies, and would probably prove in their

consequences equally so in other parts of the globe.

He would mention another singular advantage we had gained, though not apparently so brilliant or striking: the total destruction of the French fishery on the Banks of Newfoundland, which was no less a source of French wealth than a nursery for French seamen. In this twofold consideration he should not say too much if he affirmed, that the French fishery upon the Banks of Newfoundland was one of the most valuable branches of their commerce. So much had this commerce been improved of late years, that it might be affirmed, that the fishery was divided between France and Great Britain in the proportion of two thirds to the former, and one to the latter; yet important as this branch of commerce was, it was now solely possessed by Great Britain. There was another circumstance, which was in its consequences no less important, which was, the great want of seamen France felt. This compelled her to strip the privateers, in order to man the royal navy, by which means, the latter only going to sea in squadrons, our traders performed their voyages uninterrupted in a manner, and approaching nearly to a degree of perfect safety and security, while the commerce of France lay in a great measure at the mercy of our privateers, letters of marque, armed vessels and cruizers.

The noble earl had said a great deal of peace, and seemed to wish that it could be obtained; but the noble earl could not be ignorant, that in making peace the consent of both parties was necessary. He did not believe the noble earl would advise to submit the terms of peace to our enemies, much less to submit to ignominious ones. If not then, if our successes were but trifling, the noble earl, he believed, would agree with him, that when they were trifling was not the proper time to sue for, or open a negotiation, but that it would be more proper to wait for a season, when, having decisive advantages on our side, we could at least meet the enemy half way, and if not dictate, at least treat with dignity, freedom, and independence. But the truth was, the season for peace was not arrived. We were at present in an embarrassed situation, and till we had got clear of some of the difficulties which stood in the way of coming to a pacification, it would be idle to talk of peace, unless we were willing to purchase

it on any terms, however mean, ignominious, or humiliating.

The Marquis of *Carmarthen* said, he meant not to retract his words. He did not rise to state a matter of fact by way of accusation. He assigned his reasons why he could no longer continue to support the present administration; among others, he said, that the noble earl who spoke last, had driven some of the ablest naval characters from the service; he thought so still; and he explained what he meant when he first rose, by affirming, that he believed the noble earl had been the cause of several naval commanders declining the service, because they were resolved never to serve so long as his lordship remained at the head of the Admiralty; neither deeming their characters nor persons safe under his administration.

Lord *Fortescue* observed, that the noble earl (*Sandwich*) was the only person in the kingdom, who was a stranger to the fact stated by the noble marquis, that of his lordship's having been the cause of so many men of the first professional abilities having declined the service of their country. He was astonished at the noble lord's effrontery, in offering to deny it, when the fact was so universally known and acknowledged. His lordship testified his warmest approbation of the county meetings, the committees of correspondence, and general associations. Parliament having, through the enormous influence of the crown, abandoned the care and protection of the people, it was at length become necessary that the people should look to their own preservation; and he trusted, that as they had the judgment to discover the necessity, and the spirit to act upon that judgment, they would have the firmness never to relax, till the grievances under which they laboured were completely redressed. His lordship made use of several strong and unqualified expressions, declarative of the inherent rights in the people to compel redress in cases of emergency; and congratulated his country most heartily on the approaching appearance of being emancipated from a system of government and a mal-administration of public affairs, hitherto unprecedented in the English annals.

The Marquis of *Rockingham* said, that he never lost sight of one great object since the commencement of the present reign, which was the system established as soon as his Majesty ascended the throne; namely, a fixed determination to govern

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this country under the forms of law, through the influence of the crown. He had no sooner perceived this system, than he set his face against it, and had now, for upwards of 17 years, endeavoured to defeat its intended effects. Much had been said about secret influence and secret councils; and a noble lord, not then present (the earl of *Bute*) had been particularly pointed to. For his part, he had no personal acquaintance with that noble lord, nor could he be supposed to have any predilection for him; but this he would declare, as an honest man, that he was persuaded, that if that noble lord had never been in office, or in personal confidence with his sovereign, indeed had never been born, that a system of government, similar to that now existing in this country, would have been produced into being. Every thing within and without, whether in cabinet, parliament, or elsewhere, carried about it the most unequivocal marks of such a system; the whole œconomy of executive government, in all its branches, proclaimed it, whether professional, deliberative, or official. The supporters of it in books, pamphlets, and newspapers, avowed it, and defended it without reserve. It was, early in the present reign, promulged as a court axiom, "that the power and influence of the crown alone was sufficient to support any set of men his Majesty might think proper to call to his councils." The fact bore evidence of its truth; for, through the influence of the crown, majorities had been procured to support any men or any measures, which an administration, thus constituted, thought proper to dictate. This was the origin of all our national misfortunes, the latter being no more than the consequence of the principle which gave birth to the measures that produced them. He was ready to avow, in his place, that as the measures of the present reign contained the fullest testimony of the principle which called them into being, so they bore every internal and external evidence of their dangerous and alarming origin; for he would say, that combining them together, they presented such a system of corruption, public venality, and despotism, as never before took place in any limited government. The short time he remained in office, to which he had been called at the express desire of his sovereign, he endeavoured all in his power to oppose and defeat this unnatural and unconstitutional influence of the crown,

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but to very little purpose; and as he had come into office at his Majesty's desire, so he quitted it in obedience to the same authority.

When he spoke of the principle of despotism, which seemed to pervade all the acts of the present reign, he believed it would be totally unnecessary to particularize them; he should therefore content himself with alluding only to such part of the system as applied to the measures pursued against America and the East India Company. Here it was that the plan of extending the influence of the crown, already become enormous and truly alarming, blazed forth in all its odious colours; and here it was that that influence, under the impositious pretence of asserting the rights of parliament, was employed to vest the patronage or unlimited sovereignty of all America in the crown. The same use was made of this influence over the East India Company; and after the first attempt had brought bankruptcy on that Company, the second finally vested the patronage of it in the crown for ever.

The plan was deeply laid; the independent part of the people were led into the snare by the specious pretences of designing and artful men. The Company were described to be wallowing in riches; the directors, and their servants abroad, were said to be infinitely venal, unprincipled, corrupt and oppressive. It was urged, that in the possession of such immense revenues and profits, territorial and commercial, the Company ought to be compelled to contribute to the exigencies of the state; and to bear part of the burdens, in common with the rest of their fellow subjects. The whole was a ministerial trick, a state juggle, to throw dust in the eyes of the people. It was patronage, a further extension of court influence, which was at the bottom of all this, however varnished over with specious appearances of public reformation, general justice, and an equitable distribution of taxes and burdens to be borne by the several respective parts of the empire. It was not the paltry sum of 400,000*l.* per annum that was the great object; it was the aggrandizement of the crown that set this political machine in motion. The sequel proved it beyond the possibility of doubt. The Company in a few years became bankrupt, and it was reserved for the present administration to complete what they so happily begun and so steadily pursued. They relinquished the revenue

with cheerfulness, but took care to get the patronage in exchange. If any proof were wanting to shew, that neither revenue, nor a desire to alleviate the public burdens, formed the true cause; it was now fully sufficient to observe, that no one effectual step had been taken to promote reformation in India; for it was impossible for oppression, public peculation, &c. said to have existed in India at the time government first interfered in the affairs of the Company, to rise higher, or prove more operative and extensive than since that period: a very striking instance of which was then depending in the courts below, in the case of the late lord Pigot, who had been sacrificed to the private cabals of those, who, if not encouraged by government, were most certainly protected and countenanced by them. This was the consequence of the interference of the crown; and as to the pretence of a revenue, it was needless to observe, that no one part of the conduct of the present administration, or the system they acted under, furnished even the colour of an argument, that they who had upon all occasions so shamefully wasted and mis-spent the public treasure, entertained a single idea of relieving the people, whom, in every other instance, they had so heavily burdened and oppressed. He was persuaded that several high characters, and persons of independent principles, and unquestionable integrity and abilities, were led by the art and misrepresentation of others, in whom they had unhappily confided, to support the measures respecting the East India Company, and he was glad to hear the noble earl who made the present motion acknowledge his error, and as one coming within that description. For his part, he saw then what in a thousand instances had been since confirmed to him, that the secret movers in this business had no object whatever, either reformative or equitable, in view, but only that of vesting in the crown the patronage of the Company, in order to extend and increase its influence.

This traitorous principle it was that produced the American war, and the long train of evils which flowed from it; and he was persuaded, besides this great object, that in the course of some of the events which fell out in America, one great spur which induced ministers blindly to rush on, was the expectation of being gratified, and of gratifying their friends and supporters with expected confiscations of the

lands and properties of those who took up arms against government; and should they now persist in turning a deaf ear to the voice of the people of this country, and thereby force them into measures of resistance, one motive among others would be, a prospect of confiscations nearer home, and the proscription of the lives and fortunes of those who should stand forth the friends of their country, and as yet its unrivalled constitution. The system being such as he had described; the effects such as he had related; he would just trouble their lordships with an observation or two on some of the consequences, so far as they applied to the present question.

In the first place, he begged leave to observe, that the attempt to enslave America had happily miscarried, but was attended with the disgraceful circumstance of Great Britain being obliged to throw herself at the feet of America, and of her humiliating offers being spurned with indignation and contempt. Again he wished to call their lordships' recollection to the conduct of administration towards Ireland, by whose particular oppressions, and introducing a system of government in our sister kingdom similar to that founded in influence and corruption in this, and the mischievous effects produced by the American war, they had reduced our fellow-subjects there to the last degree of public distress and private misery. When ministers were applied to for relief, they refused it, till the people rose as one man to vindicate their natural rights. What was the consequence? They procured by their public spirit, manliness and resolution, what they never could have obtained by any other means. The people of England had now before them the example of America and Ireland: that example pointed out to them the only possible means of national salvation. What would America and Ireland now be, if they had not redressed their own grievances? What would England be, if she should continue inactive at so perilous a season? He hoped, however, that ministers would not put the people of England to the trial; though if that should happen to be the case, he trusted, that the very cause of disunion would terminate in collective strength, which was particularly the case of Ireland, where 50,000 men in arms, while they were promoting domestic prosperity, proved such a source of national strength, as to deter our foreign enemies

from making any attempt, or daring to invade that country; a circumstance, he was fully convinced, that had solely prevented France for many months past from landing in that kingdom a very formidable force.

A noble earl (Sandwich) who spoke lately, and a noble viscount who spoke early (Stormont) had endeavoured to represent the county meetings as the mere effects of party spirit, or as proceeding from the arts of a few factious individuals. He had every reason to believe that the fact was otherwise; he meant in general; but so far as it related to the meeting at York, he could say from his own knowledge, that the noble earl was totally mistaken. The meeting at York was not proposed or promoted by any party, or faction, or particular description of men. It originated in the spontaneous propositions and communications of the independent and honest part of the people of all descriptions. Many persons, friends to good government, and connected in various ways with administration, were some of the foremost in the business; and as to the respectability of the meeting, all he could say was, that within the compass of a single room, where the freeholders were convened, there were persons actually present, who possessed landed property to the amount of 800,000*l.* per annum; and since that meeting, no less than 9,000 gentlemen, clergy, and freeholders, had signed the petition: and as a farther proof of the general sentiments of the people of Yorkshire, he could affirm with equal truth, that the petition from the city of York had been signed by no less than 920 persons; yet by the last poll books, at the general election in 1774, it appeared, that no more than 972 polled, though it was a warmly contested one.

His lordship concluded with conjuring ministers to consider, and not persist with the same blind spirit of hitherto invincible obstinacy which had led the nation into its present calamitous situation. If they regarded their sovereign, whom they professed to revere; if they attended to their own personal safety; if they wished to prevent those horrid scenes, which they affected to believe the petitions led to; if they sought that unanimity which they contended was so essential to the safety of this country, and so necessary to the defeating the ambitious designs of our foreign and natural enemies; if they, in short, were sincere in any one

of their professions, or the motives which they assigned for their conduct, he implored them to listen to the voice of the people, and not while the enemy was at the door, meditating and threatening destruction, to be the cause of national ruin, by hurrying the people into a state of civil confusion. He assured ministers, that no palliatives would do. It was not particular taxes that would answer the expectations of the people. It was the proper application of the public money already granted, and the honest, faithful, and economical expenditure of the national treasure in general, that they in almost one voice demanded. Before he sat down he said, he would suggest one other motive to ministers; for giving the people satisfaction; that was, an opportunity which presented itself to them of becoming one of the most popular administrations that ever directed the affairs of this country, should they, on the present occasion, comply with the desires of the people.

The Earl of *Hillsborough* entered into a long discussion to prove the impropriety and impracticability of the motion as it then stood. He said, that House had no right, by any rule of construction or inference whatever, to resolve that a committee of both Houses should be formed; and even were it otherwise, the object of the motion, that of enquiring into the public expenditure, was a matter on which their lordships were totally incompetent to deliberate or determine. The controul of the expenditure of public money was what had been always exclusively claimed, and had for a long series of years been exclusively enjoyed by the other House; of course the formation of the committee was no less against the established mode of proceeding exercised by both Houses, than the object of such formation was unconstitutional and absurd. Both Houses had their peculiar rights and privileges; and this House had no more right to entrench on the privileges of the other, than the other had on this. After labouring this point with great industry and particular ardour, and commenting upon every passage in the motion, his lordship fixed his attention upon that part of it which went to exclude the attendance of such noble lords as enjoyed any emolument or pension under government. He said it was a libel on the whole body of the peerage, as it supposed, that such of their lordships as enjoyed places under government were, from that circumstance, liable to be

warped from their duty, and to give corrupt opinions on a question, which it was maintained would effect the salvation of their country. It was a direct libel upon that House, and upon every noble lord who stood in the predicament described. It is a libel upon me, my lords, said he; it is false and unfounded; I can affirm the contrary from my own knowledge. It was upwards of seven years, till very lately, that I never held any place, or enjoyed any emolument; I received no pension, and yet I can say with truth, that I never swerved from my former avowed opinions. I am unacquainted with the influence on which the noble marquis has been so diffuse, and which he has stated with so much confidence. I acted, within the period I have alluded to, from a sense of duty; I did so when I was last in office; I will do so as long as I live. I do therefore maintain, that so far as the motion goes to an exclusion of noble lords in the service of the crown, that it is a libel upon your lordships. His lordship proceeded to bestow the most indignant epithets on the county meetings and petitions. He said they originated in factious motives merely, and those of the very worst complexion. They tended to usurp the powers of government, and to compel parliament to concessions of the most dangerous and unconstitutional nature; they were set up as another estate, unknown to the constitution. They would, if not timely suppressed, lead to anarchy and public confusion. As yet they had been cautiously and artfully kept within the verge of the law, though, in fact, they reached to the very brink of rebellion. He denied that they were the sense of the nation at large, and he hoped, whatever malignant spirit gave them birth, that it would be instantly crushed. There was nothing wanted but resolution and firmness to subdue them; and if he had no other reason for opposing the motion in all its parts, he could find in his own mind a sufficient motive for giving it a negative, that it was so nearly allied in principle and in object to that factious, dangerous, innovating and unconstitutional spirit which had given existence to the county meetings.

His lordship added, he was satisfied, for he never could believe that the noble lord's mistake in framing the motion proceeded from mere ignorance, that the motion was framed in such a manner as to ensure it a negative, in order to throw an odium upon administration, and give an opportunity to

its friends and supporters to enter a flaming protest, which, being published, would soon make its way into the country, and increase that spirit of sedition and disaffection which both the authors and friends of the motion wished to disseminate through every part of the kingdom.

The Duke of *Manchester* observed, that America had resisted, in order to redress her grievances; so had Ireland; so had Scotland; and did the noble lord who spoke last undertake to say, that the English associators were the only part of his Majesty's subjects whose petitions, in the first instance, were to be branded with the odious epithets of treasonable and rebellious? Was every other part of the British dominions to be listened to? And was the seat of empire alone to be treated with contempt and foul language? Were 50,000 armed Irish associators to have their grievances redressed, as dutiful, loyal, and obedient subjects; and were the county meetings of the people of England, unarmed, unassociated, unembodied, without either staves, or any other weapon, offensive or defensive, to be charged with being on the brink of treason and rebellion? This was a language he would never endure, as an Englishman, or pass over unnoticed as long as he retained the honour of a seat in that House. Had not the lord lieutenant of Ireland, in a public act, in which he represented the person of the sovereign, publicly thanked the Irish associators, though armed against law? And what judgment would the world pass on a man, who, as governor of a country, conveyed the thanks of both Houses to the country over which he presided, to the associators thus illegally armed, who now as Englishmen stood up and charged the English county meetings with every species of public criminality short of actual rebellion? His lordship took notice of what had fallen from the noble viscount in high office, relative to the pushing the reformation further than was expressed in the motion. It was true he enjoyed a patent place, which was part of his patrimony, and descended to him from ancestors for three generations. His fortune was but small, independent of that, and far from being correspondent to the rank which he held in the state. He had a numerous family unprovided for: yet, if a general reformation should be adopted, and it was thought necessary to include a property of this kind, he would cheerfully submit, for the sake of the general good; and though the remain-

der should be too small to maintain a person of his rank, he should gladly banish himself from his native country, when that banishment was a consequence of a general reformation by which his country was to be so materially benefited. In such an event he would seek a residence in some distant clime, where he could suit his stile of living and exterior appearance to means derived from a very scanty income. His grace concluded with testifying his most hearty approbation of the motion.

Earl *Temple** rose, he said, with great diffidence, to deliver his sentiments in so august an assembly; but he thought it a duty incumbent upon him to declare them, upon so important an occasion as the present, and hoped their lordships would give him a few minutes attention. Though this was the first time he had the honour to address their lordships, his opinions were well known in the other House, where he had had the honour of a seat for some years. On his entrance into parliament, the great question between this country and America was then almost coming to an issue: the one preparing to use force, the other to resist. For his part, he thought, that the supreme right of Great Britain over all the dependencies of the British empire was founded in the principles of the constitution, and as such should be enforced; and that government, in the assertion of that claim, ought to be supported. Upon this idea and motives he acted for some time, till at length he became perfectly convinced that ministers were no longer deserving of public confidence; that they were no less incapable than unpopular; unqualified equally to frame plans of conciliation, to prosecute the war with vigour or effect, to promote alliances, or make peace. As he had given ministers his support upon principle, so he had withdrawn it upon conviction. The American war, become no longer practicable, even in the hands of wise or honest men, continued to hold out no one consequence whatever, but that of adding to our national calamities; in short, every thing relative to the affairs of America, as well respecting men as measures, had long determined him to oppose both one and the other; and he could not sit down without observing, that, considering the very

* George Grenville. He succeeded his uncle Richard, earl Temple, September 12, 1779. In 1784 he was created marquis of Buckingham.

alarming extent the influence of the crown was arrived at, it was probably a fortunate circumstance that our plans of American subduction had not prevailed.

A noble marquis had talked of the glories of the late reign, and opposed them to the calamities and disgraces of the present. It was too just a picture of the features of both reigns, to admit a single moment's controversy. Such a contrast must fill the mind of every true Englishman with the most mortifying reflections; to look back at the successful and glorious administration of a late eminent statesman (lord Chatham), when not a wind that blew from any quarter of the globe, but was sure to bring with it an account of some fresh victory, some new conquest, some acquisition of trade or territory. It might, indeed, be literally asserted, that our coasts, though naked and defenceless, were in a state of the highest safety and security, being jointly protected by our navy, and our fame; while, on the other hand, the terror with which our fleets and armies filled the breasts of our enemies, though far distant, answered the end of blocking up their ports, and confining their armaments at home. A peace, however, at length succeeded; and it was the fatal policy of the time, to relinquish the most valuable part of our conquests, on an idea that we were no longer able to continue the war.

It was said, that it became necessary to purchase peace, by parting with almost every thing we had acquired. The chief reason assigned for our national inability was, that we were 140 millions in debt. He wished their lordships would attend to what had been so ably stated by the noble earl who made the motion, that instead of 140 millions we stood indebted in 1762, we already owed 185 millions; and if the war should continue another year, the national debt would amount to 200. From these facts he concluded, that either those who hurried on the peace of 1762, upon an idea that this country was unable any longer to carry on the war, or those who have involved this country in the present war, had been grossly mistaken; yet he was warranted in affirming, that they were principally the same persons who advised and supported the late inadequate terms of peace; and who had led us violently, and without consideration or remorse, into the American war, and continued still obstinately to pursue it.

His lordship spoke very fully to the

question of the petitions: he said, that to petition was the inherent and inalienable privilege of every Englishman. The people had a right to petition each or every branch of the legislature. They had equally a right to meet for the purpose, to associate, correspond, &c. in short, to adopt every legal and constitutional mode which might promise to secure the object they aimed to obtain. He was much surprised to hear a noble lord (Hillsborough) bestow such harsh epithets on the county meetings, and attribute such motives to those who wished to promote what those meetings ultimately tended to produce, a general reformation in the public expenditure, and adopting a permanent plan of public economy. He found in his own breast the fullest proofs of the injustice of the charge of faction, of sedition, and of being arrived at the very brink of rebellion. For his part, he highly approved of the determination of the petitioners to associate and correspond; and though he did not wish to lead the people, or invite them into these associations, because he thought they ought to be left to judge for themselves, yet no man could more sincerely approve of them, nor would more cheerfully enter into them. Some persons might be led to conclude otherwise; and think that he had appeared backward, on account of not approving of them; but he again took this opportunity to say, that no person was more inclined to follow or unite; but for the reason before assigned, he did not think proper to act a leading part.

Something which fell from the noble viscount (Stormont) who spoke early, made it necessary for him to say a word or two in answer. The noble viscount said, the reform ought, if adopted at all, to be extended without favour or prejudice, and be directed to the root of the evil; and that it should take effect immediately; because, said he, the motion states the present necessity of public economy. He acknowledged that he enjoyed a very lucrative place under the crown, which was the reward of his father's long services. This circumstance rendered the object still more valuable; but if in a general reform, every property of the same description was to be included, and appropriated to public services, he, for one, would readily acquiesce. It was an object of consequence, it was true; but it was not such an object, however, as could prevent him a moment from making the decision between his per-

sonal interest and the salvation of the country. When he spoke thus openly, he meant to be understood with this reservation, that he consented to relinquish what he held under the crown solely on condition, that the reform was made universal, and made so as to include that species of property which he would, among others, be obliged to surrender to the uses of the state.

The Duke of *Richmond* entered into a long and miscellaneous view of the question. He said, the only colour of an objection he heard made was, that of resolving that a committee of both Houses be appointed, &c. but that that might be easily done away by omitting the words "both Houses;" and the motion would then run, "That a committee be appointed." Several noble lords had mentioned another circumstance, that of excluding persons enjoying places or pensions from serving on the committee. This was called a libel upon the whole body of peerage, upon all the servants of the crown, and upon a noble earl in particular, who so emphatically said, "and it is a libel upon me;" yet, in his opinion, the intended exclusion was formed upon the spirit of the English constitution. The common law of England always excluded persons from acting in any situation which concerned others, where they might be supposed to act under partiality, influence, or prejudice. Such was the case in the constituting of juries; such was the case of a judge going the circuit into a county in which he was born, or had property; and in a great variety of other instances. He remembered, in particular, the conduct of a late chief justice of the Common Pleas, who had an estate in the county in which he lived, who would never sit at the *nisi prius* side on that account, lest any possible partiality might be shewn by him in any of his decisions. A noble earl (Chesterfield) imagined he had totally proved the absurdity of appointing a committee, and excluding, in the first instance, a certain description of persons, who would have the right to negative or affirm the proceedings of the committee on the report. Here the analogy to the case of a judge exactly corresponded to the difference between judging in the first instance, and finally deciding upon the report; for though the judges on the circuit could not try the cause in the first instance, yet upon a motion for a new trial, or a special verdict, &c. when matters of fact or law came

under review, and to be determined in the last instance, the same judge, who by custom or law was prevented in the first, might, with the rest of the court, nevertheless give his opinion without any the least impeachment of partiality or prejudice. He by no means thought the excluding the persons described in the motion implied any direct censure on the conduct of any individual in that House; but he believed it would not be denied him in turn, that persons enjoying places and offices under the crown were nevertheless influenced. He would call it a sense of duty, an honourable influence, a respect for the person of the sovereign; but be it called what it might, it was in its consequences as much felt, as if it had proceeded from some base and ignoble motive. He would appeal to the language of a noble marquis (Carmarthen.) What has that noble lord told you? That disapproving of the present ministers, he could no longer continue to give them his support; that as long as he held the post he occupied, he thought himself in a manner obliged to support them; but as he could do so no longer, he had resigned; and had, as a further mark of the resentment of the court, been dismissed from his lieutenancy of the East Riding of the county of York that morning. Here the influence was plain, by the conduct on either hand; for the noble lord found himself obliged to resign before he could give a free vote; and, as soon as the minister understood that his lordship was determined to vote according to his conscience, he dismissed him from his lieutenancy. Could there be a stronger proof required to show the influence of the crown, and its operations, both in respect of persons while possessing offices of profit, and afterwards, what men of independent principles are to expect, whenever they venture to act on their own judgment, and differ in opinion from his Majesty's confidential servants?

Having thus proved how easily the only material objection to the motion could be remedied, his grace adduced several arguments to demonstrate, that their lordships were competent to enquire into the expenditure of public money; to examine and controul both its receipt and issue, and to punish delinquents, if any such should be found. The House of Lords had often exercised the powers herein described, and though their lordships were not the representatives of any particular part or

district, they were the representatives of the whole body of the people, as well as the other House; and if their fellow-subjects were aggrieved, their lordships, as the guardians and protectors of the people at large, were entitled to adopt every proper measure to afford a full relief and redress of grievances.

Having asserted the privileges of the House of Lords, and the duties annexed to those privileges, his grace entered into a very long account of the county meetings. Respecting any measure which promised to be productive of public good, he never considered more, than in what manner the object might be most easily and effectually attained. The noble earl who spoke last, might be very right in not wishing to lead the county in which he resided; but for his part, when a measure was wise or necessary, he would take the earliest opportunity of doing all in his power to promote it. Upon this idea, when the high-sheriff of the county over which he had the honour to preside, refused to call a county meeting, at the requisition of several persons of rank and fortune, he called one, as the first officer in the county under the crown. He would assure their lordships, that there was no occasion to lead or encourage a spirit or resolution of petitioning; the county was almost unanimous; they were fully persuaded of the imminent necessity there was for immediate economy, and a general reform throughout the different departments of the state; and, he believed there was not a single county in the kingdom, nor an independent man in it, that was not at length convinced, that national bankruptcy and ruin must be the consequence, if some limit was not set to public rapacity, venality, and prostitution, which all have their origin, more or less, in the influence of the crown. He replied to the two noble earls who condemned the petitions. One of them, as unnecessary (Sandwich) the other as seditious, libellous, inflammatory, and arrived at the very brink of rebellion! (Hillsborough.) He reminded the latter, how ready he was to construe every thing into rebellion, which had the least appearance of an opposition to the unconstitutional influence of the crown, and how fortunate he was to predict those very rebellions, or acts of resistance, which, in respect of America, he had been so instrumental in fomenting. His grace observed, that while the other noble lord allowed the right of petitioning, he denied,

in almost every possible case, the propriety or necessity of exercising that right.

His grace alluded to what the noble viscount in high office said respecting a full and general reformation, if any. He said, for his part, the emoluments which he enjoyed came to him as his patrimony from his ancestors, under a legal title, which had been farther confirmed by several subsequent acts of parliament. Were he even inclined, he could resign no more than his own personal claim, as others had an interest as well as himself. If, then, he had a legal property vested in him, he thought he was as well entitled to the possession of it as any other man, who enjoyed a fortune transmitted to him by his ancestors; nor would he ever relinquish his claim but by due course of law. His estate was a grant from the crown, which it was then competent to make: if, however, parliament should lay it down as a rule, that all grants of the crown, of every kind, in lands and hereditaments, corporeal and incorporeal, were resumable whenever the exigencies of the state required it, he would submit on that condition, and no other; not upon any idea of invidious distinctions totally foreign to the plan of reformation, and originating from spleen, resentment, and ill will to the supposed reformers. He believed more than one half of the lands of England had been given away by the crown in grants; if, then, the reform was meant to be extended to grantees in general, he was ready to submit to the determination of parliament. Though such a resumption would leave him but a very small and inadequate income, he would venture to affirm, that few men would feel the diminution less. He could live upon a small income, and be contented, as he hoped he should always adhere to a principle he had never yet departed from, that of suiting his expenditure to his means.

The Earl of *Mansfield*, after endeavouring to prove that the motion was both in its frame, purport, and tendency, totally unprecedented, proceeded to point out its impracticability. This he endeavoured to do by giving an historical detail of the several disputes which arose between both Houses, from the Restoration downwards to the last in 1703, relative to the prosecution of lord Halifax on one part by the Commons, and his defence and protection given to him by that House. Upon these precedents, in quoting which he was very minute, and in his reasonings upon them

extremely copious, he concluded that, to resolve that a committee should be appointed of that House, in order to enquire into the public expenditure, would be entirely nugatory. The Commons would never consent that the Lords should infringe their rights, no more than their lordships would permit the Commons to entrench upon their privileges. Time, usage and acquiescence had given their lordships an exclusive power in matters of judicature; the claim of originating money bills by the other House, had the same authority to support it. The Commons would, probably, if the Lords controverted their rights in public matters, dispute in turn the power of judicature in the last resort exercised by the peers. How, then, was this matter to be brought before their lordships? Not by a committee, as he had stated; not by an original jurisdiction, for that claim had been long waved or given up; by no means whatever that he could see, but through the Commons, in cases of delinquency charged upon some person for high crimes and misdemeanors, or in the common mode, in the exercise of their ordinary appellant jurisdiction. He alluded to the well-known case in the dispute between both Houses, when the controversy was managed on the side of the Lords by lord Anglesey, and by sir Heneage Finch on that of the Commons. After representing the several grounds of dispute between both Houses, from the Restoration almost to queen Anne's time, he observed, that the intended reformation, so far as it related to contracts, and the improper expenditure of the public money, was unnecessary, as the powers already in being were fully competent to the attainment of redress, without any new ones being created for that purpose. He remembered when he was attorney general, a governor had charged government with clothing a regiment, and made a false return; complaint was made of the fraud, and he prosecuted him to conviction. So whatever bargain or contract was made with government, the law supposed it to be a *bonâ fide* transaction, and that the crown had full value, and an equitable equivalent; and the law, in every such transaction, gave a power of redress, either by punishing the person who should be found or detected in defrauding the public, or allowing the contractor such a sum as his services or his commodity deserved. The noble earl had in his speech said, that the minister and the subordinate

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persons ought to be made responsible for the expenditure of public money. The fact was, that the minister, and every other person acting under the crown, were already as responsible as the law could possibly render them. They were both amenable to the crown and parliament; to the former in his Majesty's courts of law, and to the latter in their inquisitorial capacity. But if no such incurable objections as those he had mentioned stood in the way of the motion, the time the business would take was a most insurmountable one; for he dared to say, that there were two objects which the motion pointed to, that would take up seven years each before they could be brought to a conclusion.

The Earl of *Shelburne* made a general reply to such of the noble lords as objected to his motion, but was remarkable severe on the last mentioned noble lord, whom he represented as having by partial quotations and inapplicable references endeavoured to mislead their lordships. He went over the former ground of the disputes between both Houses in the reigns of Charles the 2nd, king William and queen Anne. He contradicted his lordship in almost every fact he stated and inference he drew, and congratulated the House and the nation on the precedent which the learned lord gave in his own person, of his zeal for his country in prosecuting, as attorney general, the petit larceny of a governor or colonel of a regiment, who had charged for the clothing of a few men who were not in being.

The *Lord Chancellor* went over a great deal of the former ground, relative to the informality and impracticability of the motion. He then proceeded to answer other parts of the noble earl's propositions mentioned in argument, but which did not appear in the motion. He said, the idea of setting up all contracts to the lowest bidder had been attempted upon many occasions, but had been discontinued, being found productive of no real benefit, and of much inconvenience and mischief. When contracts are set up in this manner, he that makes the lowest offer is of course deemed the contractor, be he who he may, and the service comes, perhaps, by this means, to be performed by some person of no property, some adventurer; he proposes to himself an ideal prospect of gain, and, if he should be disappointed, loses nothing, because he has nothing to risk. The fate of a great nation would not, in

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his opinion, be well trusted in such hands, and yet that must certainly be the case, if contracts were to be made in the manner proposed by the noble lord.—His lordship dwelt particularly on the following passage in the motion, which he could perceive clearly imported an exclusive privilege in favour of certain descriptions of men, should the proposed reformation take place. The words he meant were, “and at the same time to take into consideration what savings can be made, consistent with the public dignity, justice, and gratitude.” For his part, he was at a loss how to find out how any reformation could take place, consistent with public dignity; if by that was meant the dignity of the crown, arising from the civil list revenues, and if a reform was to be the effect of the motion, it contradicted in words what was the professed intention of it: the curtailing the public expenditure of the civil list, consistent with justice, was a phrase that called likewise for explanation; but above all, he was totally at a loss to know to what end the word ‘gratitude’ had forced itself into the motion, if the exigencies of the state called for such a reform; but if no reformation was to take place wherever dignity, justice, or gratitude set up their claims to favour, whether real or pretended, he believed the savings which would remain would hardly be worth the collection, for those who had no other merit to plead would set up dignity or justice; and as for gratitude, it was a word of such vague and indeterminate sense, when applied to the nation at large, that he believed there was scarcely a single individual who did not think his country stood indebted to him.—His lordship then entered into a discussion of the exclusive right claimed by the Commons of originating money bills, and of every power and privilege springing from that right, relative to the exclusive controul of its general appropriation, particular application, and expenditure; and concluded with observing, that any attempt to infringe on the rights of the Commons, respecting the grants and expenditure of the public money at the present crisis, might be productive of the very worst consequences, by terminating in a disagreement between both Houses.

Lord Camden observed, that the noble lords who opposed the motion assigned every reason for their opposition but that nearest their hearts, which was, lest it might tend (as it certainly would, if agreed

to) to diminish the overgrowing, dangerous, and unconstitutional influence of the crown. Much had been said upon various heads; but none of the arguments being sufficiently strong, a most curious one had been conjured up through the table, relative to the exclusive right of the other House to originate money bills, and controul and direct the public expenditure. Now he would cut all that matter short at once, by a single supposition, that the point of order or exclusive privilege would instantly vanish, if both Houses agreed in principle, and united in opinion, upon the necessity of a reform. No noble lord present would deny, that that House had a right to enquire so far as the disposal of public monies came under their cognizance as a deliberative body; now, in his opinion, it signified very little which House took up the business, so that the object was obtained; the matter could not be finally settled without the aid of an act of parliament, and in that case either House had its power of assenting or dissenting to whatever came from the other. But he would answer once for all, that if parliament should consent to adopt a plan of reformation, the means of carrying it into execution might be struck out in a few minutes. He then talked of his own pension; said he received it for long services, and in lieu of a valuable office for life [Chief Justice of the Common Pleas] and that it would be a peculiar hardship upon him to lose it, and his family the reversion, which was to come after it as soon as the pension ceased; but be the consequences what they might, he should part with it cheerfully, however the loss of it might distress him, when he reflected on the great and permanent advantages which would accrue to his country.

Their lordships then divided: Contents 50, Proxies 5—55: Non-Contents 81, Proxies 20—101.

List of the Minority.

DUKES.	Suffolk
Cumberland	Stamford
Richmond	Berkeley
Grafton	Abingdon
Bolton	Scarborough
Devonshire	Coventry
Rutland	Jersey
Portland	Cholmondeley
Manchester.	Ferrers
MARQUIS	Tankerville
Rockingham.	Egremont
EARLS.	Temple
Derby	Harcourt
Pembroke	Northington

Radnor.	Fortescue
VISCOUNTS.	Ravensworth
Hereford	Ponsonby
Courtney	Walpole
LORDS.	Wycombe
Abergavenny	Beaulieu
De Ferrars	Stanhope
Paget	Harborough
St. John	Effingham
Craven	Fitzwilliam
Osborne	Camden.
Romney	Bisshops.
King	St. Asaph
Mouzon	Peterborough.

Protest on the Rejection of the Earl of Shelburne's Motion for a Committee of both Houses to enquire into the Public Expenditure.] The following Protest was thereupon entered:

"Dissentient"

"First, Because, however the waste of public money, and the profusion of useless salaries, may have been heretofore overlooked in the days of wealth and prosperity, the necessities of the present time can no longer endure the same system of corruption and prodigality.

"The scarcity of money, the diminished value of land, the sinking of rents, with the decline of trade, are melancholy proofs that we are almost arrived at the end of taxation, and yet the demands are annually increased, while the hopes of peace are every year put to a greater distance.

"For let any man consider the immense debt increasing beyond the possibility of payment, with the present accumulation of taxes upon every article, not only of luxury, but of convenience, and even of necessary use; and let him carry his thoughts forward to those additional duties which must immediately be imposed to make good the interest of the approaching loan, and of that debt which will remain unfunded, he will find that at least one million and a half of interest must be provided for, besides what may be farther necessary to make good the deficiencies of the late taxes.

"Under these circumstances, the savings of a strict and vigilant oeconomy in every branch, and the application of overgrown salaries, unmerited pensions, and useless places to the public service, are almost the only resources left in the exhausted state of our finances. But, besides this strong argument of necessity that presses upon the present moment, such, and so great are the abuses in the management and expenditure of the pub-

lic money, as would call for the strictest enquiry and animadversion even in the best of times. The practice of expending immense sums, without consent of parliament, under the fallacious head of contingencies and extraordinaries, the greater part of which might easily be comprised in an estimate; but because some unforeseen articles are not capable of such precision, the minister has, under that colour, found out a method of expending the public money first *ad libitum*, and when it has been so expended, has found means to induce parliament to think itself bound in honour to ratify and make it good, deserves the highest censure; and no minister who shall dare to stake the public credit, for money that has not been voted, ought to be justified by a less authority than an act of indemnity. The millions which remain in consequence unexplained and unaccounted for; the shameful facility of admitting almost every claim; the improvident bargains made for the public service; the criminal neglect and even contempt of the few checks established in the board of treasury, besides great part of the money being shared in its passage among a tribe of collectors, clerks, agents, jobbers or contractors, or paid away by official extortion, or stopped in its course to breed interest for some engrossing individuals, are grievances which the present motion has in view to remedy.

"2dly, But, great and important as the motion is in this view of it, it is still more important in another, as it tends to narrow the wide spreading influence of the crown, that has found its way into every corner of the kingdom.

"It is sufficient to allude to this grievance, without any farther enlargement: but this argument, though perhaps the strongest in favour of the motion, has been turned into an objection to it, as if it meant to abridge the rights of monarchy, and make the crown dependant upon the parliament.

"If the objection means to insinuate, that corruption is necessary to government, we shall leave that principle to confute itself by its own apparent iniquity.

"That this motion is intended to diminish the constitutional power of the crown, we deny. The constitutional power of the crown we are no less solicitous to preserve, than we are to annihilate its unconstitutional influence. The prerogative rightly understood, not touched, or intended to be touched by this motion, will

support the crown in all the splendour which the King's personal dignity requires, and with all the authority and vigour necessary to give due effect to the executive powers of government.

"It has been argued, that this is not a proper time for reformation, when all the attention of the kingdom should be employed upon the war, as the great and only object in the present time of distress; to which we beg leave to insist, that the present is, for that very reason, the properest time, because nothing is so essential to the conduct and prosecution of the war as the frugal management of that supply by which only it can be carried on with any prospect of success. Nor ought the plan of œconomy to be any longer delayed at the risk of a general bankruptcy, and from the history of this, as well as other countries, times of necessity have been always times of reform.

"3dly, Because we conceive that the mode of a committee, which might be to act with a committee of the other House, and might, if necessary, be rendered durable, and vested with due powers by an act of the whole legislature, might bring back the public expenditure to its constitutional principle, might devise proper regulations for opening contracts to the proposals of every fair bidder, for reforming the abuses of office, and the enormity of fees, with a variety of other abuses, particularly that of large sums of money lying in the hands of individuals to the loss of the state.

"An objection has been strongly urged on the ground of an apprehension expressed by some lords, as if they seriously entertained it, of its producing a quarrel between the two Houses of Parliament, in consequence of which the public business might be obstructed, by a claim on the part of the House of Commons, to an exclusive right of considering and providing for the subjects of this motion.

"Such a claim certainly cannot be supported as a consequence of the claim of that House to originate money bills. Not a single lord appeared to entertain an idea that such a claim would be well founded. In truth, the objection supposes it to be ill founded, and that therefore this House will resist it; and yet it assumes that the House of Commons will advance and persist in this ill founded claim. We cannot discover any colour for such a supposition, unless we were to adopt the insinuations of those who represent the corrupt influ-

ence (which it is our wish to suppress) as already pervading that House. Those who entertain that opinion of one House of Parliament will hardly think less disrespectfully of the other. To them it will seem a matter of indifference whether the motion is defeated by the exertion of that influence to excite a groundless claim in the one House, or by a groundless apprehension of such a claim in the other. But we, who would be understood to think with more respect of both, cannot entertain an apprehension so injurious to the House of Commons as that they would, at this time especially, and on this occasion, have advanced such a claim.

"The motion has likewise been objected to on account of its disqualifying persons possessing employments or pensions to be of the proposed committee. We are far from supposing that the possession of place or pension necessarily corrupts the integrity of the possessor. We have seen, and the public have seen, many illustrious instances of the contrary; yet we cannot but suppose that the public expectations of advantage from this measure would have been less sanguine, if they had seen persons possessing offices selected to distinguish how far their offices were useful, or their salaries adequate; they perhaps would not think the possessor of a pension or office the fittest judge how far that pension or office had been merited or was necessary. We cannot therefore think the motion justly exceptionable on this ground; it rather appears to us to have been drawn with a proper attention to noble lords in that predicament, exempting them from a situation which they must necessarily wish to decline.

"We conceive ourselves warranted in the mode proposed by precedent as well as reason, and it was stated to the House to have been recommended by the most approved constitutional authors who have written since the Revolution, but having offered to meet any other proposition which might carry with it substantial remedy, and no such being offered, notwithstanding the time this proposition has lain before the House, we cannot help considering the present negative as going to the substantial as well as formal part of the motion, and hold ourselves obliged to avail ourselves of our right of entering our protest against the rejection of the above proposition.

"4thly. We are farther impelled to press this motion, because the object of

it has been seconded and called for by a considerable majority of the people, who are associating for this purpose, and seemed determined to pursue it by every legal and constitutional method that can be devised for its success; and however some may affect to be alarmed, as if such associations tended to disturb the peace, or encroach upon the delegated power of the other House, we are persuaded it has no other view but to collect the sense of the people, and to inform the whole body of the representatives what are the sentiments of the whole body of their constituents, in which respect their proceedings have been orderly, peaceable, and constitutional. And if it be asked what farther is to be done if these petitions are rejected, the best answer is that the case cannot be supposed; for although upon a few separate petitions it may be fairly said that the other House ought not to be decided by a part only of their constituents, yet it cannot be presumed that they will act in defiance of the united wishes of the whole people, or indeed of any great and notorious majority. It is admitted that they have a power to vote as they think fit, but it is not possible to conceive that so wise an assembly will ever be rash enough to reject such petitions, and by that means cause this dangerous question to be broached and agitated, whether they have not broke their trust?

"The voice of the people will certainly be complied with. Ministers may, as they seem to have done in a recent instance, deprive any man of what he holds at their pleasure, for presuming to exercise his undoubted right of thinking for himself on these or other public subjects; but it will not be wise in them to treat these associations with contempt, or call them by the invidious name of faction, a name by which the minority in both Houses of Parliament have been so frequently and so falsely calumniated, because the name so applied will recoil back upon themselves, when acting against the general sense of the nation, nor will they be able to represent these numbers so respectable in rank and property (as they did but too successfully the discontented Americans) as a mob of indigent and seditious incendiaries, because the people to whom this is addressed are the very people that are abused, and every man bears within himself the testimony of its falsehood.

"The ministers, on this particular occasion, cannot deceive the people."—

(Signed) "Fortescue, Harcourt, De Ferrars, Beaulieu, Camden, Coventry, Richmond, Manchester, Derby, Effingham, Grafton, Portland, Ferrers, Cholmondeley, King, Abergavenny, J. Peterborough, J. Abingdon, Pembroke and Montgomery, Fitzwilliam, Rutland, Nug. Temple, Bolton, Courtenay, Stamford, Tankerville, J. St. Asaph, Wycombe, Craven, Rockingham, Scarborough, Jersey, Devonshire."

"Discontent without reasons, RADNOR.

"For all the above reasons, except the fourth, OSBORNE."

Debate in the Commons on the Yorkshire Petition for an Economical Reform in the Public Expenditure.*] Feb. 8. Sir

* "The business of public meetings, of petitions to parliament, and of associations for the redress of grievances, was commenced during the Christmas recess; and the adoption of these means for procuring a reform in the executive departments of the state, not only became soon very general, but the minds of the public being agitated and warmed by these meetings, the views of many, and those persons of no mean weight and consequence, were extended still farther; and they gradually began to consider, that nothing less than a reform in the constitution of parliament itself, by shortening its duration, and obtaining a more equal representation of the people, could reach to a perfect cure of the present, and afford an effectual preservative against the return of similar evils.

"The great, populous, and opulent county of York led the way, and set the example to the rest of the kingdom. A very numerous and respectable meeting of the gentlemen, clergy, and freeholders, including persons of the first consideration and property in the county, and in the kingdom, such as perhaps never was assembled in the same manner in this nation, was held at York on the last day but one of the year. There a petition to the House of Commons was unanimously agreed upon, and accompanied with a resolution, that a committee of 61 gentlemen be appointed, to carry on the necessary correspondence for effectually promoting the object of the petition; and likewise to prepare a plan of an association, on legal and constitutional grounds, to support the laudable reform, and such other measures as might conduce to restore the freedom of parliament; to be presented by the chairman of the committee at their next meeting, which was to be held by adjournment in the ensuing Easter week.

"The clergy upon this occasion disproved a charge, which had been often laid, and, perhaps, not always without some foundation, against them; as if they were more peculiarly

George Savile presented the following Petition :

“ To the Honourable the Commons of Great Britain in Parliament assembled: the PETITION of the Gentlemen, Clergy, and Freeholders of the County of York,

“ Sheweth; That this nation hath been engaged for several years in a most ex-

posed to be obsequious to power, and to support all measures, of whatever government and whatever nature, which did not immediately affect their own particular rights or privileges, than any other order of the community. Although the meeting was in the seat of the metropolitan see, and immediately under the eye of provincial authority and government, not only a considerable number of that body attended, and zealously promoted the resolutions and petition; but no less than 14 clergymen, including two dignitaries of the church, were appointed of the committee, which was intended to give efficacy to the whole measure and design.

“ The county of Middlesex stood forth as the second of the county of York. In about a week, a very numerous meeting was held at Hackney, where a petition, similar to that of York, with several resolutions, were unanimously agreed to; and a committee of correspondence and association, consisting of 53 gentlemen, who were distinguished by rank, fortune, ability, or popularity, appointed to conduct the business. At this meeting, as well as at some of those which succeeded in other counties, although the conduct of ministers was treated with little mercy indeed; yet it was scarcely more reprobated than that of the majorities in both Houses. The late rejection in the House of Lords, of the two motions of economical reform, which had been made on the 7th and 15th of December, was an object of much general and particular censure. It became likewise customary at those meetings, to return a public tribute of thanks and applause to those lords and gentlemen in both Houses, who had attempted to stem the resistless torrent of the American war, or who had since as unsuccessfully endeavoured to check or restrain the supposed waste in the public expenditure.

“ The example of York and Middlesex was soon followed by the county palatine of Chester; and in a pretty close succession of time, by the counties of Herts, Sussex, Huntingdon, Surrey, Cumberland, Bedford, Essex, Somerset, Gloucester, Wilts, Dorset, Devon, Norfolk, Berks, Bucks, Nottingham, Kent, Northumberland, Suffolk, Hereford, Cambridge, and Derby, nearly, if not entirely, in the order in which they are placed. Hants had agreed upon a petition, on the same day with Middlesex. The Welsh counties of Denbigh, Flint, and Brecknock, likewise petitioned, as did the cities of London, Westminster, York, Bristol,

pensive and unfortunate war; that many of our valuable colonies, having actually declared themselves independent, have formed a strict confederacy with France and Spain, the dangerous and inveterate enemies of Great Britain; that the consequence of those combined misfortunes hath been, a large addition to the national debt, a heavy accumulation of taxes, a rapid decline of the trade, manufactures, and land-rents of the kingdom.

“ Alarmed at the diminished resources

Gloucester, and Hereford, with the towns of Nottingham, Reading, Cambridge, Bridgewater, and Newcastle upon Tyne. The county of Northampton declined petitioning, but voted resolutions, and instructions to their representatives, upon the same ground, and including the purport of the petitions, as a previous measure.

“ It must not be supposed, that in all these counties and towns, the spirit was alike, or that the same unanimity prevailed. In many, the weight of property appeared clearly and strongly for the petitions. In others it was more doubtful. But there were few, in which any direct or successful opposition was made to the measure. So that, explicitly or tacitly, it might be considered as agreeing tolerably well with the sense of those places.

“ The measure of forming committees, and entering into associations, was a great stumbling-block in some of the counties. Many who were heartily disposed to concur in restraining the supposed dangerous influence of the crown, in procuring a reform of the public expenditure, and in restoring the independency of parliament, by cutting off the means of corruption, were, however, apprehensive of evil, and even of danger from these measures. Associations and committees had produced such recent effects in America, and even in Ireland, that the very terms were become suspicious. The friends of government dextrously applied the odium or terror attending these words to all the purposes of which they were capable; and many, who would not venture directly to encounter the popular rage for reformation, or openly to avow that they were the friends of public extravagance or corruption, covered their opposition by quarrelling with these obnoxious incorporations. The counties of Suffolk, Northumberland, Hereford, and Derby, where the opposite parties were pretty equally balanced, accordingly appointed no committees. In Kent, where the popular side was prevalent, a moderating scheme was proposed. To this the friends of government, along with those who wished for redress, but who were enemies to committees, and did not approve of strong language, jointly adhered, and so far acted as one party. By this means, two petitions for redress were presented from that county; and while a committee was formed, and the scheme of association was fully adopted by the major-

and growing burthens of this country, and convinced that rigid frugality is now indispensibly necessary in every department of the state, your petitioners observe with grief, that notwithstanding the calamitous and impoverished condition of the nation, much public money has been improvidently squandered, and that many individuals enjoy sinecure places, efficient places with exorbitant emoluments, and pensions unmerited by public service, to a large and still increasing amount; whence the crown has acquired a great and unconstitutional influence, which, if not checked, may soon prove fatal to the liberties of this country.

"Your petitioners conceiving that the true end of every legitimate government is not the emolument of any individual, but the welfare of the community; and considering that by the constitution of this realm, the national purse is intrusted in a peculiar manner to the custody of this honourable House; beg leave further to represent, that until effectual measures be taken to redress the oppressive grievances herein stated, the grant of any additional sum of public money, beyond the produce of the present taxes, will be injuri-

ous to the rights and property of the people, and derogatory from the honour and dignity of parliament.

"Your petitioners therefore, appealing to the justice of this honourable House, do most earnestly request that before any new burthens are laid upon this country, effectual measures may be taken by this House to enquire into and correct the gross abuses in the expenditure of public money; to reduce all exorbitant emoluments; to rescind and abolish all sinecure places and unmerited pensions; and to appropriate the produce to the necessities of the state in such manner as to the wisdom of parliament shall seem meet. And your petitioners shall ever pray, &c."

Sir *George Savile* apologized for speaking in a low tone of voice: he had got a cold: there was a soreness in his throat, which he was afraid might prevent him from speaking in so audible a manner as to be heard by this great assembly. [The House was remarkably still and attentive. The character of the speaker, the importance of the subject, the novelty of the occasion, fully counterbalanced the distemper that would have proved fatal to the eloquence of a member less popular speaking on a lighter subject: such was the deep silence that prevailed on both sides of the House, that the venerable patriot was heard without much difficulty.] He had the honour to represent a very extensive, a very populous, a very mercantile, manufacturing, and rich county. In such a county, it must naturally be imagined, that many private interests might be made objects of parliamentary bounty, if either the represented or representatives, like some others, were more attentive to inclosure bills, to road bills, and others of the same stamp, than to the great concerns of the nation. This is now the last day of receiving private petitions. I have waited until I think they are all given in. I have no private petition to present, though in such a county as Yorkshire, new bridges, roads, and havens, would not be unworthy the consideration of the legislature. I have here a petition which has swallowed up the consideration of all private objects, and superseded all private petitions. A petition subscribed by 8,000 freeholders and upwards. The people have heard that a regard to private interest, in this House, is a great enemy to the discharge of our public duty. They feel severely the pressure of heavy taxes, yet, they are told, the money which

city, a very numerous and considerable party, either condemned or opposed both measures.

"The members of administration, and men in office, were not wholly deficient in their endeavours to prevent the county meetings. But they were generally overborne by the torrent. Nothing could more clearly demonstrate the impetuosity of the spirit which then prevailed, than that the noble lord at the head of the Admiralty, and at the head likewise, personally, of a great body of his numerous friends, could not prevent the measures of a petition and a committee from being carried in his own native and favourite county; in which he had exerted himself with his known ability in this sort of affairs, and with all the influence of the many great offices he had held for so many years, to form a secure and settled interest. All direct opposition being fruitless, endeavours were used to obtain protests; but though one or two persons of great property and consequence took the lead in this measure, it was not attended with a success at all equal to expectation. Some protests were signed in the counties of Herts, Huntingdon, Norfolk, Sussex, and Surrey. These protests did not oppose (that indeed could scarcely be done) the prayer of the petitions; but the protesters were of opinion, that the whole ought to be left to the discretion of parliament, in whose public spirit and integrity they thought it improper to express, particularly at that time, any sort of distrust." *Annual Register.*

they can so ill spare, is wasted profusely, without producing any good, nay, and to the production of many bad effects. They beg that enquiry may be made into the expenditure of that money, that if there are any exorbitant salaries, they may be reduced: that if there are any useless places or unmerited pensions, they may be abolished. These things are represented calmly and with moderation. Nothing is said of the conduct of ministers, it may have been good or bad, for ought that appears in the petition. Never, surely, were petitioners to parliament more cool and dispassionate. They confine themselves to one object, the expenditure of the public money. They make no strictures on the past management of ministry; though candour obliges me to acknowledge, that it is pretty plainly hinted or implied in the petition, that they who have hitherto managed our public affairs, shall manage them no more. I hope no objection will be made to the receiving of this petition. Indeed that is not what I fear. Ministry dare not refuse to give the petition a hearing. But it is an easy matter to hear a petition, and to put it off without complying with the prayer of it. The noble lord, if he had a mind (looking towards lord North) could by one nod induce a majority of this House to grant the prayer of this petition; or if he pleases, he can put it off with abundance of ingenuity and address. He will probably have no objection to hear the petition read; he may profess great regard to the petitioners, an anxious concern for their interest; he may even go so far as to consent to enquire into the alledged grievances, and fix a time and a committee for that purpose. Yet still it may be his secret purpose to defeat the end of the petition. I therefore now call upon the noble lord to speak out like a man, and to declare whether he means to countenance and support the petition or not. Such an open and manly declaration of his intentions, will save us much time and trouble, and will better become a man of his consequence, than any arts of ministerial craft and juggling. I hope he will seriously consider this petition, what is the importance of it, who were the instigators of it, by whom, as well as by how many it is subscribed. I make no threats; this petition is not presented by men with swords and muskets. It is a legal, a constitutional petition. It is the right of the British subjects to petition. But petitions

of the kind that have often been presented here and elsewhere, and as often disregarded, I own, were nugatory, and must be ineffective. The request of the petitioners is here so reasonable, that they cannot but expect that it will be granted; but should it be refused—here I leave a blank, that blank let the consciences, let the feelings, let the reason of ministers supply. Nor will palliations, excuses, partial expedients, be sufficient. Mock enquiries will not answer our purpose. If the parliament mock the people, the people will learn not to respect the parliament. In order to detract from the weight of petitions, it is not uncommonly insinuated, that they are procured by underhand arts, or by publicly canvassing for them; or it is alledged, that the petitioners are of no great importance, their petition may be rejected with impunity; neither of these insinuations would be just in the present case. Such a petition as this could not be instigated by a few incendiaries operating on simple and credulous people in hedge ale-houses; it is the result of the common feelings of a numerous people; the cause is as general as the effect; it is the same voice that sounds in Yorkshire, which will soon be heard in other parts of the country. I was not a little surprized to find, that my hon. friend near me (Mr. Burke) had drawn up a plan to be proposed to this House within two days, founded on ideas so similar to those that dictated this petition. There was no communication that I know of between that gentleman and the petitioners of Yorkshire. The universality of the sentiments on this subject, is no contemptible proof of their justness. I wish that this House may consider, I repeat it, from whom this petition comes. It was first moved in a meeting of 600 gentlemen and upwards; in the hall where this petition was conceived, there was more property than within the walls of this House. [Here sir George threw down upon the table, with a good deal of vehemence, a list of the gentlemen's names.] But, he continued, they are not to abandon the petition, whatever may be its fate in this House; there is a committee appointed to correspond on the subject of the petition with the committees of other counties. [Here he in like manner threw down on the table a list of the names of the committee.] The subscribers are between 8 and 9,000, as appears from the petition itself.—A motion being made for

leave that the petition might be read, it was read accordingly.

Sir George rose again to explain and enforce the prayer of the petition. The petitioners had not presumed to dictate any particular mode of enquiry or redress of the grievances complained of; how far parliament were to go, or what particular steps they ought to take, would be pointed out by a disposition to comply with the petition, if that disposition should exist. The following observation, however, fell from sir George, that something more was expected than what he had seen in the propositions to be made to the House by his hon. friend, Mr. Burke.

Lord North said, that the hon. gentleman need not have taken so much pains to convince the House that the petition ought to be received; nor to have expatiated on so obvious a truth, as that it was not to be dreaded that any man, or set of men, would dare to reject it. No man in his senses, who sat in that House, was ignorant that the right of petitioning belonged to all British subjects. He had been called upon to declare whether he would oppose or forward the object of the petition. The petition was now before the House; it had been read, and it should have his consent to lie on the table for some time, as was usual in such cases, for the perusal of the members: the House, he doubted not, would take it into their serious consideration; and after enquiring into the facts alledged, after examining the merits of the case, freely and impartially decide, according to the best of their judgment, in such a manner, as to consult the good of the petitioners, without losing sight of that of the country in general. A petition properly introduced, would always, he hoped, meet with a fair and candid attention. With respect to the threats that had been broadly hinted by the hon. gentleman, he hoped they would have no effect on the minds of the judges one way or the other. He had been threatened with unknown but severe consequences, if he should so much as delay granting the requested redress, until an enquiry should be made into the existence, nature, and extent of the alledged grievances. Truly, I must say, said his lordship, that the petition suffers not a little by a prohibition from all enquiry into the facts on which it is founded. [Here sir George Savile rose to explain what he had said. He was not against an enquiry, but against the semblance of an enquiry,

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a mock enquiry. He had taken the liberty to ask the noble lord, whether he would make an enquiry, *bonâ fide*, for the purpose of answering or frustrating the end of the petition.] To my ear, continued lord North, what fell from the hon. gentleman had the appearance of a caveat against any kind of enquiry. He insinuates that the enquiry will be undertaken with sinister and partial views. How far this is fair and candid, nay how far such suppositions, in a case of this kind, are parliamentary, I submit to the judgment of the House. The hon. gentleman has said, that the ideas and sentiments that gave birth to the petition, are very universal; as a proof of this he observes, and he is surprized to observe, so wonderful a similarity between the ideas of gentlemen in Yorkshire on the subject of the petition, and those of an hon. gentleman, who is soon to make a motion on that subject in this House. With regard to that matter, he would only say, that what seemed so surprizing to the hon. gentleman, did not surprize him in the least. He concluded by telling the House, that they must not consider his proceeding in raising the necessary supplies as any disrespect to the petition. The petition was neither formally nor virtually negated, although the consideration of it was not preferred to all other business. The supplies had been voted, and it would be necessary, without much longer delay, to enter on the subject of ways and means.

Mr. Fox said, that he did not intend to speak at this time on the subject of the petition before the House; but he could not refrain from making some observations on the positions that had now been made by the noble lord. The consideration of the petition, says he, may very fitly be postponed till after that of the ways and means for raising the supplies. Compare this language with the generous and magnanimous admiration of ministry, when they applauded and admired the conduct of the associations in Ireland, who refused to grant supplies for more than one half year, before their grievances should be redressed, before the prayer of their petition for a free trade should be granted. Is there one law for the associations in Ireland, and another for those of England? No. The noble lord is a man of accuracy and consistency. He must therefore mean, whatever he may have said in the heat and hurry of debate, that the associations in England, in imitation of those in Ireland,

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ought to grant no supplies, to pay no taxes, until their petition find a proper respect; until its prayer be fully granted. I am at a loss to conjecture the threats that the noble lord says have been hinted by the hon. gentleman, meaning thereby to fix a stigma on this and other petitions. The people are not in arms, they do not menace civil war. They have in their power, legal, constitutional, peaceable means of enforcing their petition. It is to these means the hon. gentleman alludes, when the noble lord supposes that he throws out threats of another kind. No, Sir, let not the mild but firm voice of liberty be mistaken for the dismal and discordant accents of blood and slaughter. The evil the hon. gentleman presages, if this or other petitions are spurned with contempt and insolence, is of another, though not of a less formidable nature. The people will lose all confidence in their representatives, all reverence for parliament. The consequences of such a situation I need not point out: let not the contemplation of necessary effects be considered as a denunciation of vengeance. I wish most anxiously that gentlemen would consider what they are when they sit in this House. Insignificant of themselves, they derive their importance from the appointment of their constituents. It is the duty of members of parliament to conform to the sentiments, and in some degree, even to the prejudice of the people. In their legislative capacity, the wishes and wants of the people, ought in this land of liberty to be their grand rule of conduct. I say in their legislative capacity; for I make a distinction between that and their judicial capacity; in which last they must give judgment according to the letter of the law, and in this, too, they consult the interests of liberty. Suppose the people should be of opinion that there is no longer any need of a very expensive Board of Trade and Plantations, when that trade and those plantations, for the sake of which the Board was first established, no longer exist, would it not become the noble lord's duty, to sacrifice his particular opinion to theirs, and to act agreeably to their notions and instructions? The noble lord has been very severe upon the hon. gentleman, upon the supposition that he had entered his caveat against even taking time to enquire into the allegations contained in the petition. The hon. gentleman has himself sufficiently repelled the attacks of his noble opponent,

by reminding him that what he apprehended was not a real but a mock enquiry. But one thing, said Mr. Fox, I cannot but remark. The ideas of an enquiry, and an intention to defeat its object, seem so intimately connected in the noble lord's mind, that it is not in his power to disjoin them: so closely associated, that he cannot think on the one, without confounding it with the other. I cannot imagine, continued this ingenious and animated speaker, that any objection can possibly be made to the petition. But some may say, "Are we sinners above all that went before us? like those on whom the tower of Siloam fell? Are we more corrupt than other parliaments who were never pestered with petitions of this kind?" No, I do not suppose you are; but though former parliaments were as bad as you, and you know the severity of that comparison, yet the people did not know it. Now they do not perhaps see it, but they feel it; they feel the pressure of taxes; they beg you would not lay your hand so heavily on them, but be as economical as possible. We on this side of the House recommend and enforce their applications. Let ministry hearken to the petitions of the people, even though they are recommended to their favourable regard by members in opposition. Let them grant their requests, and the whole glory of so popular a compliance will be theirs. Their praises were sounded in loud strains for granting to the people of Ireland, what that people made good for themselves by their own muskets. I will put the controversy between the ministry and gentlemen on this side of the House, on the same issue on which the wisest of men, Solomon, rested the determination of the dispute between the two women, each of whom claimed the living child, and disavowed the dead one. We say to ministry, You misapply the public money; nay, you do worse, you apply it to bad purposes: ministry say to us, You want our places; and thus the charge of corruption is given and retorted. Come now, let us see whose child corruption is; opposition are willing, are desirous, that it should be sacrificed; ministry have often made similar professions; the time is come to prove the sincerity of both; see who will now acknowledge; see who will father this dear but denied child, corruption! On the whole, economy will strengthen the hands of government, relieve the people from hardships, be a

source of fame and triumph to ministry over their adversaries; for who will dare to say, or who will not be abhorred for saying any thing to the prejudice of so honest and upright an administration, as those men who shall redress in so satisfactory a manner the grievances of an oppressed people? The people of England only pray to be on a footing with the subjects of France, whose government voluntarily rescinded unnecessary places, thus opening a source of strength in a tender and in a wise plan of economy.

Mr. Turner said, he held in his hand a petition from the city of York, signed by 990 burgesses, almost the whole of his constituents, of a similar nature to that which had been just presented in the name of the county. The importance of the petition had already been explained, and the necessity of complying with the prayer very ably inculcated; he would only assure the House, that the petition originated with the people themselves; no influence had been used, on his part, to instigate it; he considered it as the duty of members, not to lead, but to follow the sentiments of their constituents. Several of the gentlemen who had opposed the petition were his most dear and intimate friends; they knew that he never solicited their voices in behalf of the petition; he neither would dictate to his voters in any public measure, nor submit to the meanness of asking them to chuse him member to represent them in parliament. Rather than stoop to such a conduct, he would be content to go about the city carrying stones on his back. Thus much, however, he told all his voters, that if they wished to support the present ministry, not to elect him their representative. The petition, he declared on his honour, had never been promoted by him. It is the genuine voice of my constituents, said he; their numbers, their property, their unanimity, I hope, will give it some weight. Let it be remembered, that the petitions now presented to parliament, are not ordinary petitions; for you may hear of them again, if you should not think proper to forward their object.

Lord George Gordon begged to remind the House, that a reformation should begin with religion. Associations were forming against the toleration of Papists in every part of the British empire; Ireland, Scotland, and England, were alike averse to the measure; the most dreadful consequences were to be apprehended, if

the ministry obstinately persisted in it. He reminded the House, that the most bigotted tyrants had sunk beneath the weight of a Protestant army. He paid the highest compliments to his worthy friends (sir G. Savile and Mr. Burke); said he was convinced that they had supported the Bill from the purest motives; and his lordship expressed his sincere concern, that policy, in any one instance, should render the most unlimited toleration dangerous to a free state; but where the happiness of the people was concerned, the interest of individuals should always give way.

The Petition was ordered to lie on the table.

Mr. Burke complained of an insinuation of a noble lord, that he was privy to the petitions of the county associations. I had declared that I was not; yet the temple of Truth, *mens conscia recti*, has been violated, her dictates have been openly blasphemed. I declare, upon my honour, that I neither interfered directly nor indirectly in the county association of York, nor in any other county association; and in this declaration I assure the House I do not deceive them. Here I must take notice of some things respecting myself that have fallen from my noble friend near me (lord G. Gordon) though I confess they have little connection with the business before us. He pays me many compliments on my talents for deceit, if I chose to exercise them; but I have myself so poor an opinion of my talents of this kind, that they will be my very last resource; nor shall any emergency ever drive me to exert them. He supposes that I have been made a cat's-paw, in the instance alluded to, by ministry. [Here Mr. Burke laughed very much.] I suppose, said he, that before people take a cat by the paw, they must have a good opinion of the gentle and tractable nature of the particular animal; for there are cats so fierce, indocile, and intractable, that it would not be safe to meddle with their paws. Now, I do not know that ministry have ever found me of a very pliant nature; neither have they ever ventured to seize my paws. The noble lord thinks that my conduct with regard to the disciples of the church of Rome did not proceed from any religious considerations; and in this he imagines he pays me a compliment: but the noble lord is mistaken. I was influenced by religion. The only religion I profess, is that of universal humanity and benevo-

lence. But this digression, Mr. Speaker, is foreign to the purpose for which I now requested the attention of the House. I have received a letter from my constituents of Bristol, accompanying a petition from that great city; the object of which, like that of others, is public œconomy. The letter contains praises which I do not deserve. It shall not, therefore, be read before this House. Let a regard to truth prevail over the love of fame. The trade of Bristol has suffered greatly in all its branches: in some it is wholly extinguished. The evil that has overtaken that city, has not come on by slow and gradual approaches, but suddenly and violently; it has not suffered diminution and decay, but received blows; the evils they complain of have been long felt. Many of the principal merchants have talked with me of petitioning parliament. What I said to them was this: You know the common fate of petitions; if you do mean to present a petition, do not let it be forsaken, like an ostrich's egg, to be fostered by the accidental rays of the sun in barren sands; but follow it up at least with as great care as you would shew about an inclosure or road bill. More than this, I knew not of the petition, until I received the orders of my constituents to present it to this House.

The Petition was read, and ordered to lie on the table.

Representation and Petition of the Planters and Merchants of Jamaica. Feb.

10. A Representation and Petition of the planters, merchants, and other persons, interested in the island of Jamaica, was presented to the House, and read; setting forth,—“That your petitioners, in all duty and humility, beg leave to lay before this honourable House several circumstances which they presume it is important for the House to know, and to which they are certain it is of the utmost importance to them that a due attention should be paid; your petitioners represent to this honourable House, that the island of Jamaica has not been protected; they represent, that the temporary safety which it has enjoyed has been owing to the direction of the enemy's force towards other objects, and not to any intrinsic means of defence provided for that island by his Majesty's ministers; they conceive, that the safety of such a possession as Jamaica ought not to have been left to chance; they represent, that the island of Jamaica is inferior in value to none of the dependencies of

Great Britain; that great part even of what appears to be the interior wealth of Great Britain itself, is, in reality, the wealth of Jamaica, which is so intimately interwoven with the internal interest of this kingdom, that it is not easy to distinguish them; that a great part of the trade and navigation, a large proportion of the revenue, and very much of the mercantile and the national credit, and the value of the landed interest, depend immediately on its preservation; that its defence is therefore an object as important to Great Britain as any part of Great Britain itself, and that it is an object to be provided for with still greater care and foresight, because its natural means of home defence are infinitely less considerable; they solemnly declare, that, conscious of their invariable loyalty to the crown of Great Britain, their unbounded attachment to the prosperity of the whole empire, they are not able to conjecture for what offence, real or pretended, they have so long been put under this proscription; if your petitioners had been active, by factious clamours or delusive representations, by concealing true or suggesting false information, in betraying their sovereign and their country into war, they might have the less reason to complain of the neglect by which they have suffered so many distresses, and have been exposed to so many dangers; it is in the recollection of this honourable House, that, at an early period of the present unhappy troubles, the body of the West India planters and merchants did humbly state their apprehensions to parliament, and deprecated the unhappy measures which were then taken; it is the misfortune of the public, as well as theirs, that no attention was paid to their humble prayers, and that their most dutiful and faithful representations were totally neglected; they affirm, that they have not deserved to be thus abandoned, from a want of having purchased for a valuable consideration the protection of the state: the planters have seen, not only with acquiescence but pleasure, their trade almost wholly confined to the mother country, the place of residence of the greater part, and the object of the tenderest affection to all of them; both planters and merchants have had the produce of their estates as largely taxed in Great Britain, to the common support, as any others; the assembly of the island of Jamaica has, beyond any former example of liberality, and far beyond their abilities, laid destructive im-

positions on their estates and properties within the island; vast personal services, burthensome in the extreme, and nearly ruinous to the present value of all they possess, have been cheerfully given, they have borne patiently the heavy losses and burthens, the fatal, though not unforeseen consequences of their separation from North America. After all these impositions and taxes in England, these taxes and personal services in Jamaica, and after sufferings of every kind in this war, on suggestions from friends of government, they have had resort in their individual characters to their almost exhausted purses, and made a large private subscription for their own defence; they represent, that they have been credibly informed, that at the time when administration declined to provide the necessary forces, either by sea or land, for their defence, that his Majesty's secretary at war publicly declared, that his Majesty did then command more numerous forces, by sea and land, than the most formidable monarch of the world had under his orders, when his power alarmed all Europe; and they are informed, that large additions to his Majesty's forces were made some time after; they now also feel, that they are amongst those who are taxed for the maintenance of an army of upwards of seventy thousand men employed in North America; and they presume, that the suppression of no rebellion whatever can be a more near and urgent concern of any government than the protection of its loyal and useful subjects; they represent, that they have not been wanting to themselves, by every representation in their power, and every solicitation, to call upon his Majesty's ministers for the necessary protection; for though, from the duty of their station, and their high trust, his Majesty's ministers ought to have shewn an anxious and provident care of all his Majesty's dominions, even if individuals, through ignorance, or want of foresight, had neglected their own private interest in them; yet they humbly inform the House, that many strong remonstrances were made on this subject to his Majesty's ministers by your petitioners, beginning so early as 1773, and continued to the 8th December, 1779; and that addresses on the same were made to his Majesty by the assembly of Jamaica, as also a representation of the want of men, ships, stores, arms, ammunition, and of every other means for their defence; yet they never did, at any time, receive from the said ministers any

answers, other than excuses, on account of the number of ships employed on the American and home service, and certain loose general assurances, from which they received little comfort, and have reaped no advantage; and that even the positive assurances of the governor to the assembly of the island, of his Majesty's gracious intention that the squadron on that station should be considerably reinforced, have not been fulfilled; your petitioners most humbly request the attention of this House to their past and present situation, pledging themselves to prove, beyond a doubt, the truth of their allegations: in the mean time, your petitioners acquaint this honourable House, that, unless a strong regular force be permanently established in Jamaica during the war, and a considerable fleet stationed there, they cannot think that island in a state of security; this they conceive themselves as Englishmen bound to lay before the representatives of the people of Great Britain, humbly claiming protection as their undoubted right; and looking back with horror at the dangers from which (by the sole disposition of the Divine Providence) they have escaped, whilst sundry of their fellow subjects are now obliged to prostrate themselves at the foot of the throne of the French king, to implore the mercy of that monarch, instead of the protection of their natural sovereign."

Mr. Pennant presented the above petition, and moved that it should lie on the table. He prefaced his motion with a representation of the defenceless state Jamaica had been in for some time, and the many applications which had been in vain made to the several members of administration. Promises, indeed, had been given, and nothing else. Hence, when admiral Rowley sailed, part of his squadron was to have gone to Jamaica, but none of it ever went there. The same report was circulated when sir Edward Hughes left England, though not a ship he commanded was destined to Jamaica. Nay, so neglectful were ministry of an island so valuable, that the representations from the governor and council of it, so far from obtaining any relief from hence, were hardly favoured with a perusal by the men in office whose province it was to look at them, and whose duty it was to have made a proper use of the information contained in them. The noble lord in the blue ribbon (North) had cared so little for them, that he openly confessed in the House

that he had never read them; a declaration for which the noble lord deserved to be impeached. [The hon. gentleman was here interrupted by his lordship, who said, "Impeach me—impeach me now."] Mr. Pennant said, he was very sure there was good ground for it; but he would direct himself to another noble lord (G. Germain) who had owned the reading of the papers, and to him the hon. gentleman appealed, whether the island of Jamaica had or had not been left, for a long time past, in a state that could have made but little resistance, in case of an attack, which was daily expected to have been made, by the enemy's naval and military force, collected at Hispaniola for that purpose. He also called upon his lordship, to know if the island, at this instant, was not very deficient in its military force, and with scarce any naval protection? By which inattention of government, both the island and the trade we had in that part of the world were exposed to the most imminent danger.

Lord George Germain said, he was quite unapprized of the presentation of the petition, and therefore hoped he should be excused giving it so full an answer as he otherwise should have done; though he could take upon him to say, that the island had not been left undefended, nor that it was at this time neglected. Since the present war there had been a greater naval force for its protection, than at any time during the late Spanish war; and for the truth of it, he had an honourable commander in his eye. Nay, to prove that the island had not been wholly neglected, a considerable force had been sent out, upon a requisition received for it from the governor and council. But waving all disquisition on this subject, he did not know that the petition presented was to be called the petition of the planters of Jamaica, for the meeting at which it had been resolved upon, had never been advertised; nor did, he was given to understand, a majority of persons interested in the island agree to the petition.

Mr. Pennant said, the meeting had been advertised, for he had the advertisements in his pocket, and he was very sure, that Mr. Atkinson was the only one present, who had any objection at all, and his objection went only to the title of the petition.

Admiral Keppel, apprehending he was alluded to by the noble lord, said, there was occasion now for a much greater mi-

litary force on the island, than during the late war, when we were masters of the sea, whereas we had now the sovereignty only by accident; but for ministry to be weak, both in military and naval defence, surely betrayed a neglect that called for the severest censure, and the admiral affirmed to the House, that Jamaica must have been taken some few months ago, by a force that would have been sent out from Hispaniola, but from the epidemical sickness that happened amongst the soldiers and seamen.

Mr. Townshend asked, if it was parliamentary to consider, as a noble lord had done, when a petition was presented, whether the meeting it was agreed upon at, had been called by advertisement, or had been sanctioned by a majority of the company present? The hon. gentleman was sarcastic upon the planters who had written to the chairman of the meeting, containing their disapprobation of the committee. As to Mr. Atkinson, he had never seen him, but had always heard him spoken of as a person the most connected with government he ever knew; he was at the treasury, at the admiralty, at the navy-board, at the victualling-office, and every other place, where any thing was to be got by a contract.

Mr. Fuller said he had signed the letter complaining of the petition, and he was an independent man; but the reason he had to object to it was, that application had been made to ministry for a force to be sent to Jamaica, and he thought it right to see whether they would regard it or not, before any other steps were adopted.

Lord North said, though a petition signed by three persons was sufficient to authorise any member to introduce it to the House, yet it was very fair to state an objection to it, if it should appear that a much greater number of persons in the same interest had shewn an aversion to it. As to the island, it was very certain that the ministry had not totally neglected it, for his noble friend had mentioned a time when a considerable force had been sent there on a requisition for that purpose. The noble lord begged pardon of the House, if he had been guilty of an impropriety in calling upon an hon. member to impeach him; but he submitted it to their candour that he had been provoked to it. He reminded the House, that when he had informed them, on a former occasion, that he had not read the Jamaica papers, he had at the same

time explained himself, by saying, that he had not read them collectively, so as to enable him to speak of them upon the matter then before the House; and after this explanation, for the hon. gentleman to threaten to impeach him for not having read those papers, he appealed to the feelings of every one, if it was not enough to occasion him to exclaim, impeach me! impeach me now! knowing, as he did, that it could not afford a subject of impeachment.

The Petition was ordered to lie on the table.

Debate in the Lords on the defenceless State of Jamaica.] Feb. 11. The order of the day being read for summoning their lordships,

The Marquis of Rockingham rose and observed that he informed the House before the Christmas recess, that he had a motion to make respecting the defenceless state of Jamaica; that a day had been fixed for taking the matter into consideration, but that he had deferred the motion till after the recess, as parliament was then on the point of rising, and he wished to have the subject discussed in a full House. His lordship after this exordium affirmed, that the island of Jamaica had been neglected for several years, both in respect of its internal safety, and external defence. He observed, that this neglect had been felt so strongly some years ago, before the breaking out of the troubles in America, that a petition had been presented in the year 1773 to government, stating that the trade, cultivation, and consequent commerce of the island had been greatly improved and increased within the preceding 30 or 35 years; that the number of black slaves had been proportionably increased, as he was well informed, nearly double; that the white inhabitants had been greatly on the decrease; that in consequence of such a decrease of white inhabitants, and such an increase of slaves, the internal safety of the island required a larger military force than they then had; that they were well founded in this opinion by an insurrection among the blacks, which had been lately quelled, but which, from the reasons stated, they had a right to fear might break out afresh; that the whole military force on the island at the time consisted but of two battalions of 300 men each; that they had other reasons to be alarmed; in particular, that the French and Spanish had 10,000 regular troops at

St. Domingo and Hispaniola, which, should any difference arise between those powers and Great Britain, might be successfully employed in the reduction of the island; and that upon those grounds the inhabitants of Jamaica were of opinion that a force of two battalions, or regiments of 1,000 each at least, if not three, was the least that would be sufficient to protect the island from insurrections within, or attacks without. Notwithstanding this application, so strongly supported by the real state of the island, no notice was taken of it, nor answer given by government. The first fruits of it was in about two years after, when instead of augmenting the defence of the island, the governor received an order to send one of the two battalions to carry on the unfortunate and mischievous war in America, by which means the military were reduced to 300, or less, composed of one battalion of the Royal Americans.—Another application was made in the year 1775, producing no other consequence, at the end of a year or more, than the trifling additional force of Dalrymple's Irish corps, which did not make the joint force amount to 700. With this handful of men the war with France was a year and a half old before a single man was sent, and then no more than one regiment, the Liverpool Blues; so that contrasting both periods together, when only the inhabitants dreaded an insurrection, they required two thousand at least, if not three, to defend them against their own slaves, and a possibility of a rupture in Europe; yet now that we had been almost two years engaged in a war with France, and nine months with France and Spain united, ministry could not be prevailed upon to send more than a force amounting to 1,260 men; for that he was sufficiently informed was the amount of the last effective returns. They had, he understood, been as badly protected by sea; for, except one ship of the line, and the *Lion*, which bore away in distress after the naval engagement off Grenada, with two or three frigates, and a few vessels, sloops, &c. of no account, the island was left defenceless; so that if D'Estaing had detached a small squadron, the British naval force must have saved itself by flight, or fallen into the enemy's hands; and if D'Estaing had gone himself, after he had become master of the West India seas, accompanied by a very considerable land force, the island must have been captured. That this was not a mere assertion,

he could prove from general Dalling's (the governor) own letter, where he stated the dread of a visit from D'Estaing, and did not hesitate to acknowledge, if he should not be strongly reinforced, that he despaired of being able to make an effectual resistance. His lordship, after dilating very fully on this subject, said, there had been frequent applications made since, but to no purpose, particularly in the course of the last summer; and that hitherto not a single ship nor man had been sent in consequence of them; nor more in all, since 1773, than the Liverpool Blues and Dalrymple's corps, which, considering that one battalion had been withdrawn since that period, amounted to no more than an augmentation of a single battalion, if so much. His lordship enlarged on the great value of the island; pointed out the immense loss it would be to this kingdom; and endeavoured to shew, that the possession of it would give the House of Bourbon the empire, in a great measure, of the West India seas; and so long as it remained in the hands of France would be such a check upon North America, that if our subjects there even wished once more to connect themselves with the mother-country, he doubted much whether they could, consistent with their own interests, should we lose our superiority of our possessions in the West Indies. He was perfectly satisfied, that if D'Estaing had attacked Jamaica about the time of the date, or in some weeks after the date of general Dalling's letter, which was the 13th of August, it would be now in the hands of our enemies; and as France would be shortly again superior to us in the West Indies, by sea, he had every right to believe, as no land force had been sent to reinforce the garrison, that it would become a prey to our enemies, not a single man, nor a single ship, having been as yet sent there.

Such being the conduct of ministers, and such the neglect and comparatively defenceless state of that island, the merchants and planters had drawn up a Remonstrance or Petition; a petition to that House for relief, and a remonstrance against the conduct of ministers. He moved to have the House summoned, and the purpose was to present the petition. He would move for leave to bring it up, and afterwards to have it read and lie on the table for their lordships' perusal, meaning on some future day to frame a motion on it, in hopes that their lord-

ships would supply in their wisdom and care for the protection of every part of the British dominions, what had been so shamefully and criminally neglected by his Majesty's ministers.—The Petition was then brought up and read. It stated a variety of facts and reasons, the most important of which the marquis mentioned in the course of his speech, and contained, besides, a great many pointed animadversions on the conduct of ministers. He spoke largely of the character and property of the petitioners; said, he understood that there had been a protest agreed upon by some who disapproved of it, and quoted what he called a ludicrous passage in the protest, where one of the reasons assigned for disagreeing to it was, that it was the interest of the merchants and planters to stand well with government.

Lord *Onslow* contended, that the Petition was improperly intitled, "the Petition of the merchants, planters, &c. trading to, and possessing property in Jamaica;" that it contained no more than the sentiments of a certain number so described, and ought not to be received in any other light. Many of the names, he allowed, were respectable; but many of the protestors were equally so. He believed the number who signed the petition were 75; of those who protested 50; but though the majority in number was in favour of the petition, he believed the property possessed by the smaller number was equal, if not superior. He had a property in Jamaica, and no very inconsiderable one. He disapproved, for one, of the petition, and had a right to protest, so had many other gentlemen; and whatever motives might be imputed to the protestors, it would be hardly supposed, that persons possessing large property in Jamaica would protest against a measure professedly for its security and protection, if they really thought it was in danger. The noble marquis had singled a passage out of the protest, as if the chief cause for signing it was because they wished to stand well with ministers. That was one; but it would appear when the protest was read, one of the most inconsiderable; he therefore begged to read the protest as part of his speech, which he did, and sat down.

The Marquis of *Rockingham* observed, that the noble lord had much insisted on the property possessed by the protestors, and the respectability of their names. To settle that matter, he would move, that

the names signed to the petition might be read, by which means the noble lord would have an opportunity of passing the names signed to the protest in counter-view. Most of the names were, he believed, known to their lordships, and this comparison would enable their lordships to determine upon the respectability of the two lists.—The petitioners' names were then read.

Lord *Onslow* declined to read the protestors' names. He said, what he generally asserted was specifically true, that not one half the property of the island was possessed by the petitioners. There were a third of the merchants and planters who signed neither petition nor protest, and those who did not sign might be supposed to have disapproved of the petition.

The Marquis of *Rockingham* rejoined, that he believed the noble lord's motives for declining to read the names of the protestors, as well as the protest itself, might be easily accounted for; he was tender of some names, such as Mr. Duncan Campbell, governor or commander of the *Justitia* yacht, &c.

The Earl of *Sandwich* said, as no motion was to be now made in consequence of the petition presented, he did not rise with an intention of bringing on a debate. All he would say was, that there was not a single fact stated in the petition that he would not, at the proper time, be prepared to disprove, one by one, nor a fact urged in its support neither, but that of the petitioners being a most respectable body of merchants and planters, and in every other instance as worthy and respectable a body of men as any in this or any other kingdom. Now he was up, there was one gross mistake which pervaded the whole petition, which was, that ministers had wholly neglected the protection of Jamaica for a series of years, whereas the fact was notoriously otherwise. Both troops, military stores of all kinds, and ships of war, had been sent thither from time to time, and lord Cornwallis, with a land force of 5,000 men, was embarked at New York, accompanied by four men of war of the line. His lordship was however countermanded, when it was known that D'Estaing had gone to attack Savannah.

The Marquis of *Rockingham* contended that D'Estaing, had not his troops been prevented by sickness, would have been in possession of Jamaica, before it would have been in the power of lord Cornwallis

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to have sailed from New York. His lordship's letter was dated the 16th of September; the expedition could not have sailed till the 23d, nor have reached Jamaica till near the middle of October. If Jamaica had been attempted, the attack would have taken place in the month of August, and general Dalling's letter of the 13th of that month, declared, that if attacked, he was unequal to make any effectual resistance. He condemned ministers severely for not sending a naval force, since they were unequal to send a land one: why they were not able to send the latter, was to him somewhat extraordinary, as he understood, that the Secretary at War, in another place, had asserted, that we had the preceding year near 100,000 men within the island, and there had been a considerable body of troops raised since; nay, he went so far as to affirm, that we had at the instant he was speaking, a more numerous body of men in pay, than any power in Europe, or he believed, in the known world.

The Earl of *Sandwich* said, it was impossible to have a fleet sufficient to defend the windward islands and Jamaica both; D'Estaing, after the affair of Granada, had 26 ships of the line; and if he went to Jamaica, there must have been a force equal to defend it; and the land force at the windward islands, in all above 50 men of war of the line; for though the fleet, if stationed at the windward islands, could run to leeward, a fleet stationed at Jamaica could not work up to windward, so that we must have had 50 men of war of the line, or leave Jamaica or the windward islands exposed and unprotected. He had this from as able an officer as any in the service.

The Marquis of *Rockingham* said, let who would be his lordship's adviser, he had as good a naval authority for contending that since we could not spare troops for the defence of Jamaica, we should have stationed a fleet there, equal to its protection; the person he alluded to, he was not ashamed to name it, was admiral Keppel.

The Earl of *Sandwich* replied, if the noble marquis alluded to a particular adviser, he presumed he meant sir Hugh Palliser. He meant him among others, and if he did, he thought that gallant officer inferior to no man within or without the kingdom. He never, however, trusted to the sole advice of any man. He sought information wherever he thought he could

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get the best, and that through various channels, and from different persons, and, after weighing what he heard from each, determined solely upon his own judgment.

The Duke of *Bolton* insisted, that the assertion quoted by the noble lord could have come from no professional man, for the fleet might as well go from Jamaica to the windward islands, as from the windward islands, consequently that was no apology: besides, if the British squadron had gone to the protection of Jamaica, D'Estaing being then at the windward islands, could be in no danger, as there was no other French squadron in the West Indies. But the truth was, the French were masters of the sea, and though Jamaica had been actually attacked by D'Estaing, our fleet being inferior, and the admiral besides having no orders to quit his station, Jamaica must have fallen without a single British ship to defend.

The Petition was ordered to lie on the table.

Debate in the Commons on the Insolvent Debtors Bill.] Feb. 10. On the motion of lord Beauchamp leave was given to bring in a Bill to amend the Act of 32nd Geo. 2, intituled, "An Act for Relief of Debtors, with respect to the Imprisonment of their Persons; and to oblige Debtors, who shall continue in Execution in Prison beyond a certain time, and for Sums not exceeding what are mentioned in the Act, to make Discovery of, and deliver upon Oath, their Estates for their Creditors' Benefit." A Petition having been presented to the House against the Bill by each of the two committees of Westminster and Southwark, and the two parishes of St. John and St. Margaret, Westminster, praying to be heard by counsel, on the 23rd, the petitions were read, and the counsel called in, as soon as the order of the day for the second reading of the Bill was recited.

Mr. *Lee* appeared as counsel for the city of Westminster and the borough of Southwark, and opposed the Bill strenuously on the ground of its principle, which he said went to a total alteration of the law of the land in a very important particular, an extension of the laws of bankruptcy to individuals not in trade, and the creating a permanent act of insolvency. He observed that the Bill was not founded on any alleged ground of inconvenience or error in the laws for arrest on

mesne process now in being, but contrary to the custom of parliament, and contrary to all legislative precedent, rested solely on an imagined possibility of inconvenience, arising from the circumstance of their existing at some time or another, for it did not state when, certain inexorable and revengeful creditors who kept their debtors in prison from motives of resentment and cruelty, after they had offered to resign their entire property. Had a specific allegation been made that such hard-hearted creditors now existed, he should have considered the Bill as a libel and gross calumny on the people of England; as it was, and as no such allegation appeared in the Bill, he should not deem it a libel, but it certainly amounted to a very injurious reflection on the national humanity. Mr. *Lee* complimented the noble lord who brought in the Bill, on his intentions; but even if the laws now in being required so violent a change as the Bill would produce if passed, he submitted it to the House whether, in difficult times like the present, it was a prudent measure to alter the system of law processes, so much as the Bill would alter it. He asked also, what could induce any man to think that the change was necessary? Was it from the people now living, having grown wiser than their ancestors? Or to what motive of policy was the attempt to be ascribed? He concluded with urging the House to stop the Bill where it was, and not suffer it to go into the committee, because the principle of it tended to affect credit, without which a commercial country could never thrive.

Mr. *Silvester* was counsel also for the same clients, and enforced Mr. *Lee's* arguments, adding some of his own to them, and particularly pressing upon the minds of the House, that this was an improper time for the agitation of such a Bill; that at present trade was greatly embarrassed, but little cash in circulation, and all parts of the kingdom in difficulty and distress.

Mr. *Erskine* declared he was employed by the county of Middlesex, and likewise by the two parishes of St. John, and St. Margaret, Westminster. He went into a full history of the law respecting arrests for debt, shewing it was not in existence till the 11th of Edward 1, and that it was nearly three centuries afterwards, viz. in the reign of Henry 7, that any additional laws were made respecting it. He proved, that the custom of not imprisoning the bodies of debtors, as it prevailed of old,

was not founded on principles of liberty, but rather the reverse, having its foundation in feudal principles. As the commerce of the country increased, the laws respecting debtor and creditor were formed, and the necessity of establishing some means for the latter having a sort of security upon the former, pointed out the power of arrest as the most proper security that could be given. After going through the history of arrests very circumstantially, Mr. Erskine came to a particular consideration of the Bill itself, and declared it to be neither more nor less than a perpetual act of insolvency, and an extension of the laws of bankruptcy to persons not in trade. He said the frequency of insolvency acts was a disgrace to the country; that it was owing to such acts so often passing, and passing in such a careless manner and without limitation or discrimination of persons, so that the fraudulent debtor was entitled to derive the same benefit from them, as the honest debtor, that our prisons were full of debtors at all times. With regard to the present Bill, it certainly was a libel on the humanity of the people of England, because he verily believed, notwithstanding the prisons of London, Westminster, Southwark, and in the environs of those places were now full of debtors, there were not to be found in all of them, more than fifty persons who came under the description that this Bill stated to be its foundation, or that were detained in prison, after giving up their all by merciless or revengeful creditors. He spoke to the various parts of the Bill, contending that it was liable to many objections in its provisions and enacting clauses, as well as its principle, declaring that it was so pompously, absurdly, and obscurely worded, that if he were to be put in prison, and to be obliged to stay there till he understood it, he certainly should obtain his groats, because he must unavoidably be imprisoned for life. He reprobated the idea of its being founded on humanity, and declared, that if it passed into a law, commerce would be much injured, and numbers of honest tradesmen would suffer by the imposition of fraudulent debtors. He added also, that it would open a door to perjury, and every kind of villainy that the mind of man was capable of; that it partook of the complexion of an Act passed in the first year of the present reign, which was found to be of such a pernicious tendency, that parliament was obliged to be convened, the very next session, two months earlier

than usual, and earlier than would otherwise have been necessary, merely for the purpose of repealing that Act. The Act he alluded to was generally termed the Whitewashing Act; the inconveniencies arising from which, and the variety of frauds that grew out of it, must still remain on the minds of many gentlemen present. Mr. Erskine particularly objected to the clause, vesting it in the power of a judge to determine, whether a debtor who came before him, and made an affidavit of his having surrendered his all, was an object who deserved to partake of the benefits of the Bill or not, asked who was to oblige the judge to determine either one way or the other, and by what was he to be guided in his judgment; a false oath might procure the most fraudulent debtor his liberty, as well as a true one would do the same for an honest and unfortunate debtor. Mr. Erskine pointed out the frauds daily committed by persons who claimed the benefits held out by the bankrupt laws, declaring it frequently happened that soon after a man by taking up a large amount of goods from strangers, so as to enable his estate to make a better dividend among his old creditors, and thence procuring a majority to sign his certificate, had got himself cleared, he drove in his own chariot by the very commissioners to whom he had but lately surrendered, and splashed them and his creditors with the dirt of his chariot wheels. He concluded with observing, that it was right for the legislature occasionally to interpose between debtors and creditors, by passing an Act of Insolvency, but then that interposition should be made but seldom, and when such an Act passed, it ought to be done with care and circumspection, discriminating the objects who were to be advantaged by it, and making a distinction between an honest and a fraudulent debtor. Such Acts, he acknowledged, would be of real utility, but the idea of establishing a fixed, certain, and permanent Act of Insolvency was highly repugnant to every principle of commerce, and could not but be attended with very pernicious consequences.

Mr. *Beacroft*, as counsel in support of the Bill, replied to all that had been said against it, by his learned opponents, and declared, that it was nothing more than a continuation of an Act, commonly called the Lords' Act, only extending the benefits of that Act, by enacting that persons owing more than 100*l.* might be entitled

to those benefits, on a verification of having made an honest and fair *cessio bonorum*. Mr. Bearcroft went into a long examination of the law of arrests as it stood, and argued that the present Act was equally founded on public necessity, expediency and sound policy.

Lord Beauchamp then moved that the Bill be committed.

Mr. Barrow complimented lord Beauchamp on the humanity of his intention in bringing in the Bill, but stated his objections to the principle of it, and gave his reasons for opposing its going to a committee. He particularly replied to what Mr. Bearcroft had said, that this was merely a continuation of the Lords' Act, denying the assertion, and observing that that Act gave the creditor a right of negotiating the debtor's obtainment of his liberty by a *cessio bonorum*, whereas the present Bill took away the negative from the creditor, and placed it in a judge, so that the creditors would now have less controul over their debtors than they had before. He mentioned also the daily abuse of the bankrupt laws in proof of the inexpediency of extending the principle of those laws to persons not in trade, and said that it was no uncommon thing to see a bankrupt rise like a phoenix out of his own ashes, and become a great man from the mere circumstance of his having been a bankrupt.

Lord Beauchamp defended his Bill from all the objections that had been made to it, and proved, that it was not only founded in humanity, but in real policy; that it would do a very great service to the country, by keeping the gaols clear of debtors; that trade would be benefited by it, and that it neither opened a door to perjury, as had been stated, nor would it afford dishonest men an opportunity of defrauding tradesmen out of their property, and then escaping from their merited punishment by procuring their liberty, upon a fictitious asservation of their having given up their all. He said, he was very sure the Bill would not have been opposed at all, by the present set of petitioners, many of whom were worthy and respectable characters, had they really understood the principle and purpose of it; he would therefore explain both. The Bill was merely a continuation of the Lords' Act, with this only difference, that it went to the relief of debtors who owed a larger sum than 100*l.*, and instead of putting it in the power of the creditor to prevent his

debtor from obtaining his liberty, on giving up his all, by declaring his negative to it, it vested the right of a negative in a third person, one of the judges, or a court of law, where as the whole distribution of justice was lodged, it was surely safe to entrust it in this instance; and as the judges could be under no influence, it was obviously more consonant to real and substantial justice to place it there, than to suffer it to remain in the power of a creditor who might feel the impulse of resentment, and who, from the nature of things, was not the most likely to act impartially in his own cause. With regard to the Bill having been declared a libel on the humanity of the people, if that sort of reasoning was to be admitted, the Lords' Act was as much a libel, so were all the Acts ordaining new regulations; the Habeas Corpus Act might, with equal truth, be deemed a libel on the prince, who lived when it was passed. But it appeared from the arguments of one of the learned gentlemen, that there really was a necessity for passing the Bill, for so far from there not existing one hard-hearted creditor, or one person libelled as the Bill had been stated to libel the people of England, the learned gentleman who spoke last but one at the bar, had admitted that there might be fifty debtors confined in the prisons in and about this metropolis, who were kept in gaol by inexorable creditors, who were actuated by revengeful motives only, and not with any hope or expectation of obtaining the payment of their debts. Let gentlemen, before they opposed the Bill, ask themselves whether the liberty of fifty Englishmen, so circumstanced, was not an object worthy their attention? But the great error which had occasioned all the dislike of the Bill, was an idea, that it was to take away the power of arrests for debt, and that it enabled a debtor totally to wipe out the claim of his creditor, by making an affidavit that he had resigned his all. The Bill went to effect neither of these purposes; nothing could be further from his idea than the former, and the latter was very far from being the case. If a debtor gave up his all to his creditor, and made affidavit that he was not worth 5*l.* in the world, and had no effects but the bedding of his wife, the clothes of his children, and the like, he was to be brought before a court, and the affidavit, with the proper documents, were to be exhibited; and if the court was satisfied that the debtor had sworn the truth,

that there was no fallacy in the matter, nor no concealed fraud, then the court might award the man his liberty, but that award did not clear him from the debt; he was liable to it just the same as before, and all his future acquirements, whether by accidental circumstance, or by his own good fortune and industry, were liable to it, till it was paid. The whole object, therefore, was to prevent an honest, but unfortunate man, from spending his whole life in a prison, and to prevent his wife and family from being deprived of the benefit of his industry. Surely, if gentlemen thought a moment, they would see that this was more likely to be of advantage than of disadvantage to a creditor, because he could not possibly be paid by his debtor's remaining locked up in a prison, but he might be paid by the profits of his labour. With regard to the Bill's opening a door to perjury, how did it do that, more than any other process upon affidavit? Neither did it put the fraudulent and honest debtor upon a footing, for to a proper discrimination of the one from the other had all his attention been paid, and the very object of the Bill was to draw the line fairly between them, and hold an equitable balance; for that very reason was the negative vested in the judges, who were empowered at their discretion to liberate debtors, applying to the court in the manner specified, and might, if they suspected fraud, and were not perfectly satisfied with the affidavit and documents exhibited, upon their bare suspicion and want of satisfaction, remand the debtor. Much had been said of the loss traders would experience from persons nearly insolvent running in their debt, then going to gaol, and obtaining their liberty by virtue of this Bill; he had already shewn that fraudulent debtors would not be benefited by it, and as to traders, from their eagerness to get custom, giving credit to every man that came to their shops in a fine coat, and without enquiring into the debtor's circumstances, no act of parliament could prevent it; it depended entirely on their own caution and prudence, and unless the House could by their acts infuse a greater portion of common sense into the heads of traders, such inevitably ever must be the case with some of them, but then they must thank themselves for it. His lordship answered the objection that the Bill was ill-timed, declaring that such an exception was always in the mouth of those who happened to think differently

from the proposer of any measure, but that in the present case it was most exceedingly ill-founded, for as there were at this time at least 1,800 debtors in the prisons in and about London, and we were engaged in a war which took great numbers of the people out of the kingdom, the community could not afford to lose the industry of 1,800 people who were lingering in a gaol; this therefore was a very fit moment for the passing a Bill that would restore such of them to liberty as merited that benefit; it would also render insolvent acts, which had of late years been so frequent, and were so justly complained of, unnecessary, at the same time that it was not liable to the censure they merited, because there was an express provision in the Bill against liberating of swindlers and cheats, whereas an insolvent act always let such vipers loose on the public. With respect to the clause obliging creditors to allow their debtors, confined for want of bail, their groats, or 2s. 4d. per week, his lordship said it had long been the disgrace of our laws of arrests, that this provision was not made for the maintenance of debtors. In Holland, a people surely as frugal as the English, a commercial people, and never remarkable for their generosity, it was the law for creditors to pay their debtors 1s. a day from the commencement of their imprisonment to a stated period, and 6d. a day as long afterwards as they kept them in gaol: in France too, there was an edict obliging creditors to allow their debtors six sous a day for their support, and both these regulations had been attended with the most salutary effect in Holland and France; so much so in the former, that on a general survey of the prisons, there were found to be only seventeen debtors in prison in the whole country, and of them no more than three in the prison of the populous and commercial city of Amsterdam. His lordship stated various reasons both of humanity and policy, why a creditor, if he seized the body of his debtor, and prevented him from earning his livelihood, by locking him up in a gaol, ought to maintain him there, and asked if a man could be supposed to live upon less than 4d. a day? He pointed out the many frauds to which traders were now liable from the acts of insolvency, and contended that his Bill would remedy them, by rendering such acts unnecessary. He replied also to Mr. Erskine's observation, that the bankrupt laws were abused, and that men frequently

splashed the commissioners they had surrendered to, and their creditors, with the dirt of their chariot wheels, by shewing that such abuses were in some cases impossible to be avoided, but that his Bill was not liable to similar abuses. His lordship concluded with summing up all the heads of his speech, and begging it to be understood, that the Bill did not put creditors in a worse situation than they stood in before; that it did not alter the power of arrests; and that it only went to the relief of such honest debtors as through misfortunes were arrested and confined in prison, where they were not unfrequently doomed to linger out a miserable existence by the cruelty of merciless creditors. That therefore the Bill was an attempt to deprive men of the power of tyrannizing over and oppressing one another; a matter as much the duty of the legislature to attend to, as the checking the power of the crown; and it rather became them, because it was a noble and disinterested act to relieve the distressed, who could not be suspected of having any other influence over them, but a claim on their humanity; for these and other reasons, his lordship hoped the House would suffer the Bill to go to a committee, by whom it might be fully discussed, and such parts of it as, upon due consideration, should appear to be inexpedient, taken away, and others more wise and more salutary introduced.

Mr. *Coventry* opposed the principle of the Bill, and hoped it would not be allowed to go to a committee. He said it desired an entire alteration of the laws of the land, and was of infinitely too important a nature to be agreed to; that he objected both to its principle and to its provisions; that men now went to gaol on purpose to enjoy the luxuries of a prison; that the King's-bench was crowded to excess, and that the proposal of allowing debtors 2s. 4d. a week was highly improper: a soldier had but 6d. a day for being shot at, and should a rascal who had cheated industrious tradesmen, and perhaps ruined many persons, be allowed 4d.?

Lord *Westcote*, as a corroboration of what lord Beauchamp had said, of the custom of creditors in Holland being obliged to allow their debtors 6d. a day, instanced the sentiments of a very able writer, from a work entitled "*Batavia Illustrata*," written in 1721; the author of which book was long since dead, and therefore what he had printed alluding to the bad custom that prevailed in England of

imprisoning debtors, without obliging creditors to maintain them, as the cause of our prisons being always crowded, might be admitted as impartial evidence.

Mr. *Burke* supported the Bill. He began with an ironical satire on Mr. *Coventry*, for his having declared that men went to gaol to enjoy the luxuries of a prison, and likewise for his having said 4d. a day was a luxury to a debtor, which he ought not to have. Mr. *Burke* remarked, that the tables were now fairly turned on the noble lord, and that so far from his Bill being founded, as every body had supposed, on benevolence and humanity, the hon. gentleman near him had proved that it was founded in inhumanity. For what was the avowed object of it? To oblige men to come out of those prisons in which they lived so luxuriously. To force them to have that liberty which the hon. gentleman had proved to be so unpleasant to men who were debtors. Having carried this to a very laughable extent, Mr. *Burke* paid lord Beauchamp a most handsome compliment, and went into a warm and persuasive description of the good effect the Bill would have. He said, he wished the Bill to go still further than the noble lord had intended; that the white-washing clause ought to be inserted, and that honest debtors should be cleared effectually upon a true *cessio bonorum*, and not remain liable to the claims of their creditors ever afterwards.

Lord *Ongley* objected to the Bill; said it would open a door to perjury; that perjury was the vice of this country; that he verily believed nineteen out of twenty of the debtors now in gaol were fraudulent debtors, and that the greater part of them would make no scruple to perjure themselves, if taking a false oath would clear them and give them their liberty. As a proof of the great prevalence of perjury, his lordship told the House there was a man at the Custom-house who went by the name of "The damned soul," who would swear any thing for five shillings.

Mr. *Fox* declared he had brought in the Westminster Petition against the Bill; but though he had the greatest respect for the petitioners, and hoped they would hereafter be his constituents, from what he had heard of the Bill he should certainly vote for its going to a committee, though he did not agree to it in all its parts. He defended the principle of the Bill, and said it was equally liberal, humane, and laudable.

Lord *George Gordon* opposed the Bill. He said, that the House were not so competent to judge of the probable operation of the Bill as the petitioners; for that most of the members knew but little of trade: that they were chiefly debtors and not creditors: that many of them had no property; not even a table, a chair, or a three legged stool to sit down upon, that they could call their own. He would be guided by the old members (pointing to Mr. Barrow and Mr. Coventry) and be neither

misled by the Treasury bench, nor the hon. gentleman who lately borrowed a plan for reformation from the French. The hon. gentleman had great eloquence, but though he might admire the wreath of flowers that grew out of the fertile bog of his understanding, he was not to be deceived, when he saw it was a plan settled between the Treasury bench and the hon. gentleman, to alter and repeal the salutary laws of *George the second*.

The Bill was then committed.

END OF VOL. XX.

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